

Union Calendar No. 289

109TH CONGRESS
2^D SESSION

H. R. 5647

[Report No. 109-515]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2006

Mr. REGULA, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 2007, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR
4 EMPLOYMENT AND TRAINING ADMINISTRATION
5 TRAINING AND EMPLOYMENT SERVICES
6 (INCLUDING RESCISSIONS)

7 For necessary expenses of the Workforce Investment
8 Act of 1998 (the Act), and the Women in Apprenticeship
9 and Nontraditional Occupations Act of 1992, including
10 the purchase and hire of passenger motor vehicles, the
11 construction, alteration, and repair of buildings and other
12 facilities, and the purchase of real property for training
13 centers as authorized by the Act, \$4,966,899,000, plus re-
14 imbursements, is available. Of the amounts provided:

15 (1) For grants to States for adult employment
16 and training activities, youth activities, and dis-
17 located worker employment and training activities,
18 \$2,982,764,000 as follows:

19 (A) \$854,000,000 for adult employment
20 and training activities, of which \$142,000,000
21 is available for the period July 1, 2007 to June
22 30, 2008 and of which \$712,000,000 is avail-
23 able for the period October 1, 2007 through
24 June 30, 2008.

1 (B) \$935,500,000 for youth activities,
2 which is available for the period April 1, 2007
3 through June 30, 2008: *Provided*, That up to
4 \$50,000,000 may be made available for the
5 Youthbuild Program, if authorized for transfer
6 to the Department of Labor prior to April 1,
7 2007.

8 (C) \$1,193,264,000 for dislocated worker
9 employment and training activities, of which
10 \$345,264,000 is available for the period July 1,
11 2007 through June 30, 2008, and of which
12 \$848,000,000 is available for the period Octo-
13 ber 1, 2007 through June 30, 2008:

14 *Provided*, That notwithstanding the transfer limita-
15 tion under section 133(b)(4) of the Act, up to 30
16 percent of such funds may be transferred by a local
17 board if approved by the Governor: *Provided further*,
18 That notwithstanding sections 128(c) and 133(c) of
19 the Act, for program year 2006 the Governor may
20 reallocate from local workforce investment areas, for
21 the youth, adult, and dislocated worker formula fund
22 programs under title I of the Act, the amounts by
23 which the unexpended balance in a local workforce
24 investment area for any such program at the end of
25 program year 2005 exceeds 30 percent of the total

1 amount available for such program in such work-
2 force investment area for such year (including the
3 local funds appropriated for previous program years
4 that were available during program year 2005), to
5 those local workforce investment areas that did not
6 have such unexpended balances for such program at
7 the end of such year, and such reallocations shall be
8 made using the formula applicable to such program
9 for program year 2006 except that such formula
10 shall only be applied to those local workforce invest-
11 ment areas receiving reallocations for such program
12 under this proviso.

13 (2) For federally administered programs,
14 \$1,935,853,000 as follows:

15 (A) \$282,800,000 for the dislocated work-
16 ers assistance national reserve, of which
17 \$70,800,000 is available for the period July 1,
18 2007 through June 30, 2008, and of which
19 \$212,000,000 is available for the period Octo-
20 ber 1, 2007 through June 30, 2008: *Provided,*
21 That up to \$125,000,000 may be made avail-
22 able to the Community College Initiative and up
23 to \$900,000 may be made available to imple-
24 ment Public Law 102-530.

1 (B) \$50,000,000 for Native American pro-
2 grams, which is available for the period July 1,
3 2007 through June 30, 2008.

4 (C) \$1,465,000,000 for Job Corps oper-
5 ations, of which \$874,000,000 is available for
6 the period July 1, 2007 through June 30,
7 2008, and of which \$591,000,000 is available
8 for the period October 1, 2007 through June
9 30, 2008.

10 (D) \$58,000,000 for construction, rehabili-
11 tation, and acquisition of Job Corps centers, of
12 which \$50,000,000 is available for the period
13 October 1, 2007 through June 30, 2010 and
14 \$8,000,000 is available from July 1, 2007
15 through June 30, 2010.

16 (E) \$80,053,000 for migrant and seasonal
17 farmworkers, including \$75,053,000 for for-
18 mula grants, and \$5,000,000 for migrant and
19 seasonal housing (of which not less than 70
20 percent shall be for permanent housing).

21 (3) For national activities, \$48,282,000 as fol-
22 lows:

23 (A) \$43,361,000 for Pilots, Demonstra-
24 tions, and Research, of which \$17,700,000 is
25 available for the period July 1, 2007 through

1 June 30, 2008; and of which \$25,661,000 shall
2 be available for noncompetitive grants, with
3 terms and conditions and the amounts specified
4 in the committee report of the House of Rep-
5 resentatives accompanying this Act.

6 (B) \$4,921,000 for Evaluation, which is
7 available for the period July 1, 2007 through
8 June 30, 2008:

9 *Provided further*, That no funds from any other appropria-
10 tion shall be used to provide meal services at or for Job
11 Corps centers.

12 Of the unexpended balances, including recaptures
13 and carryover, remaining from funds appropriated to the
14 Department of Labor under this heading for fiscal years
15 2006 and prior years, \$325,000,000 is rescinded to be ef-
16 fected no later than September 30, 2007: *Provided*, That
17 if insufficient funds exist under this heading, the remain-
18 ing balance shall be from current or prior year funds
19 under any heading under this title: *Provided further*, That
20 the department shall notify the Committees on Appropria-
21 tions of the House of Representatives and the Senate 30
22 days in advance of the rescission of any funds derived
23 from headings other than this heading: *Provided further*,
24 That any balances that are governed by reallocation provi-
25 sions under the statute authorizing the program from

1 which funds were originally appropriated shall be available
2 for rescission.

3 Funds provided to carry out section 132(a)(2)(A) of
4 the Act may be used to provide assistance to a State for
5 State-wide or local use in order to address cases where
6 there have been worker dislocations across multiple sectors
7 or across multiple local areas and such workers remain
8 dislocated; coordinate the State workforce development
9 plan with emerging economic development needs; and
10 train such eligible dislocated workers.

11 The Secretary of Labor shall take no action to
12 amend, through regulatory or administration action, the
13 definition established in 20 CFR 667.220 for functions
14 and activities under title I of the Act, or to modify,
15 through regulatory or administrative action, the procedure
16 for redesignation of local areas as specified in subtitle B
17 of title I of the Act (including applying the standards spec-
18 ified in section 116(a)(3)(B) of the Act, but notwith-
19 standing the time limits specified in section 116(a)(3)(B)
20 of the Act), until April 1, 2007 or until such time as legis-
21 lation reauthorizing the Act is enacted whichever comes
22 first. Nothing in the preceding sentence shall permit or
23 require the Secretary of Labor to withdraw approval for
24 such redesignation from a State that received the approval
25 not later than October 12, 2005, or to revise action taken

1 or modify the redesignation procedure being used by the
2 Secretary in order to complete such redesignation for a
3 State that initiated the process of such redesignation by
4 submitting any request for such redesignation not later
5 than October 26, 2005.

6 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
7 AMERICANS

8 To carry out title V of the Older Americans Act of
9 1965, \$420,000,000: *Provided*, That the Secretary of
10 Labor shall use a portion of these funds to make a grant
11 to the Forest Service for the Senior Community Service
12 Employment Program for fiscal year 2007 in the same
13 amount, and under the same terms and conditions, as the
14 grant provided to the Forest Service for fiscal year 2006
15 for such program.

16 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

17 For payments during the current fiscal year of trade
18 adjustment benefit payments and allowances under part
19 I and section 246; and for training, allowances for job
20 search and relocation, and related State administrative ex-
21 penses under part II of subchapter B of chapter 2 of title
22 II of the Trade Act of 1974 (including the benefits and
23 services described under sections 123(c)(2) and 151(b)
24 and (c) of the Trade Adjustment Assistance Reform Act
25 of 2002, division A of Public Law 107–210),

1 \$938,600,000, together with such amounts as may be nec-
2 essary to be charged to the subsequent appropriation for
3 payments for any period subsequent to September 15 of
4 the current year.

5 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
6 SERVICE OPERATIONS

7 For authorized administrative expenses,
8 \$62,016,000, together with not to exceed \$3,309,746,000
9 (including not to exceed \$1,228,000 which may be used
10 for amortization payments to States which had inde-
11 pendent retirement plans in their State employment serv-
12 ice agencies prior to 1980), which may be expended from
13 the Employment Security Administration Account in the
14 Unemployment Trust Fund including the cost of admin-
15 istering section 51 of the Internal Revenue Code of 1986,
16 section 7(d) of the Wagner-Peyser Act, the Trade Act of
17 1974, the Immigration Act of 1990, and the Immigration
18 and Nationality Act and of which the sums available in
19 the allocation for activities authorized by title III of the
20 Social Security Act (42 U.S.C. 502–504), and the sums
21 available in the allocation for necessary administrative ex-
22 penses for carrying out sections 8501–8523 of title 5,
23 United States Code, shall be available for obligation by
24 the States through December 31, 2007, except that funds
25 used for automation acquisitions shall be available for obli-

1 gation by the States through September 30, 2009; of
2 which \$62,016,000, together with not to exceed
3 \$666,753,000 of the amount which may be expended from
4 said trust fund, shall be available for obligation for the
5 period July 1, 2007 through June 30, 2008, to fund ac-
6 tivities under the Act of June 6, 1933, including the cost
7 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)
8 made available to States in lieu of allotments for such pur-
9 pose: *Provided*, That to the extent that the Average Week-
10 ly Insured Unemployment (AWIU) for fiscal year 2007
11 is projected by the Department of Labor to exceed
12 2,963,000, an additional \$28,600,000 shall be available
13 for obligation for every 100,000 increase in the AWIU
14 level (including a pro rata amount for any increment less
15 than 100,000) from the Employment Security Administra-
16 tion Account of the Unemployment Trust Fund: *Provided*
17 *further*, That funds appropriated in this Act which are
18 used to establish a national one-stop career center system,
19 or which are used to support the national activities of the
20 Federal-State unemployment insurance or immigration
21 programs, may be obligated in contracts, grants or agree-
22 ments with non-State entities: *Provided further*, That
23 funds appropriated in this Act for activities authorized
24 under the Wagner-Peyser Act and title III of the Social
25 Security Act, may be used by the States to fund integrated

1 Employment Service and Unemployment Insurance auto-
2 mation efforts, notwithstanding cost allocation principles
3 prescribed under Office of Management and Budget Cir-
4 cular A-87: *Provided further*, That notwithstanding any
5 other provision of law, any Federal equity acquired in real
6 property through grants to New York State awarded
7 under title III of the Social Security Act (42 U.S.C. 501
8 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49
9 et seq.) is hereby transferred to such State. The portion
10 of any real property that is attributable to the Federal
11 equity transferred under this section shall be used to carry
12 out activities authorized under title III of the Social Secu-
13 rity Act or the Wagner-Peyser Act. Any disposition of
14 such real property shall be carried out in accordance with
15 the procedures prescribed by the Secretary and the portion
16 of the proceeds from the disposition of such real property
17 that is attributable to the Federal equity transferred
18 under this section shall be used to carry out activities au-
19 thorized under title III of the Social Security Act or the
20 Wagner-Peyser Act.

21 In addition, from the Employment Security Adminis-
22 tration Account in the Unemployment Trust Fund, and
23 subject to the same terms and conditions, \$30,000,000 to
24 conduct in-person reemployment and eligibility assess-
25 ments of unemployment insurance beneficiaries in one-

1 stop career centers; and \$10,000,000 to prevent and de-
2 tect fraudulent unemployment benefits claims filed using
3 personal information stolen from unsuspecting workers:
4 *Provided*, That following the end of the fiscal year, the
5 Secretary shall provide two reports to the Committees on
6 Appropriations of the House of Representatives and the
7 Senate:

8 (A) The first report, to be submitted no later
9 than 180 days following the end of the fiscal year,
10 shall include available information on expenditures,
11 number of claimants assessed, and estimated savings
12 attributable to the reemployment and eligibility re-
13 views. The report shall also include the impact of ex-
14 penditures to prevent and detect fraudulent claims
15 using stolen personal information.

16 (B) A second report, to be submitted no later
17 than 16 months following the end of the fiscal year,
18 shall contain more comprehensive information on es-
19 timated savings for the reemployment and eligibility
20 reviews and identification of best practices.

21 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND

22 OTHER FUNDS

23 For repayable advances to the Unemployment Trust
24 Fund as authorized by sections 905(d) and 1203 of the
25 Social Security Act, and to the Black Lung Disability

1 Trust Fund as authorized by section 9501(c)(1) of the In-
2 ternal Revenue Code of 1954; and for nonrepayable ad-
3 vances to the Unemployment Trust Fund as authorized
4 by section 8509 of title 5, United States Code, and to the
5 “Federal unemployment benefits and allowances” account,
6 to remain available until September 30, 2008,
7 \$452,000,000.

8 In addition, for making repayable advances to the
9 Black Lung Disability Trust Fund in the current fiscal
10 year after September 15, 2007, for costs incurred by the
11 Black Lung Disability Trust Fund in the current fiscal
12 year, such sums as may be necessary.

13 PROGRAM ADMINISTRATION

14 For expenses of administering employment and train-
15 ing programs, \$118,760,000, together with not to exceed
16 \$92,794,000, which may be expended from the Employ-
17 ment Security Administration Account in the Unemploy-
18 ment Trust Fund.

19 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses for the Employee Benefits
22 Security Administration, \$143,573,000.

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 (INCLUDING TRANSFER OF FUNDS)

4 The Pension Benefit Guaranty Corporation is author-
5 ized to make such expenditures, including financial assist-
6 ance authorized by section 104 of Public Law 96–364,
7 within limits of funds and borrowing authority available
8 to such Corporation, and in accord with law, and to make
9 such contracts and commitments without regard to fiscal
10 year limitations as provided by section 104 of the Govern-
11 ment Corporation Control Act (31 U.S.C. 9104), as may
12 be necessary in carrying out the program, including asso-
13 ciated administrative expenses, through September 30,
14 2007 for such Corporation: *Provided*, That none of the
15 funds available to the Corporation for fiscal year 2007
16 shall be available for obligations for administrative ex-
17 penses in excess of \$397,644,000, of which \$7,000,000
18 shall be transferred to “Salaries and Expenses” Employee
19 Benefits Security Administration, Department of Labor
20 for the development of ERISA Filing Acceptance System:
21 *Provided further*, That obligations in excess of such
22 amount may be incurred after approval by the Office of
23 Management and Budget and notification of the Commit-
24 tees on Appropriations of the House of Representatives
25 and the Senate: *Provided further*, That to the extent that

1 the number of new plan participants in plans terminated
2 by the Corporation exceeds 100,000 in fiscal year 2007,
3 an amount not to exceed an additional \$9,800,000 shall
4 be available for obligation for administrative expenses for
5 every 20,000 additional terminated participants.

6 EMPLOYMENT STANDARDS ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Employment Stand-
9 ards Administration, including reimbursement to State,
10 Federal, and local agencies and their employees for inspec-
11 tion services rendered, \$416,419,000, together with
12 \$2,076,000 which may be expended from the Special Fund
13 in accordance with sections 39(c), 44(d) and 44(j) of the
14 Longshore and Harbor Workers' Compensation Act: *Pro-*
15 *vided*, That the Secretary of Labor is authorized to estab-
16 lish and, in accordance with section 3302 of title 31,
17 United States Code, collect and deposit in the Treasury
18 fees for processing applications and issuing certificates
19 under sections 11(d) and 14 of the Fair Labor Standards
20 Act of 1938 (29 U.S.C. 211(d) and 214) and for proc-
21 essing applications and issuing registrations under title I
22 of the Migrant and Seasonal Agricultural Worker Protec-
23 tion Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, \$230,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2006, shall remain available until expended for the payment of compensation, benefits, and expenses:

1 *Provided further*, That in addition there shall be trans-
2 ferred to this appropriation from the Postal Service and
3 from any other corporation or instrumentality required
4 under section 8147(c) of title 5, United States Code, to
5 pay an amount for its fair share of the cost of administra-
6 tion, such sums as the Secretary determines to be the cost
7 of administration for employees of such fair share entities
8 through September 30, 2007: *Provided further*, That of
9 those funds transferred to this account from the fair share
10 entities to pay the cost of administration of the Federal
11 Employees' Compensation Act, \$51,034,000 shall be made
12 available to the Secretary as follows:

13 (1) For enhancement and maintenance of auto-
14 mated data processing systems and telecommuni-
15 cations systems, \$14,580,000.

16 (2) For automated workload processing oper-
17 ations, including document imaging, centralized mail
18 intake and medical bill processing, \$22,924,000.

19 (3) For periodic roll management and medical
20 review, \$13,530,000.

21 (4) The remaining funds shall be paid into the
22 Treasury as miscellaneous receipts:

23 *Provided further*, That the Secretary may require that any
24 person filing a notice of injury or a claim for benefits
25 under chapter 81 of title 5, United States Code, or the

1 Longshore and Harbor Workers' Compensation Act, pro-
 2 vide as part of such notice and claim, such identifying in-
 3 formation (including Social Security account number) as
 4 such regulations may prescribe.

5 SPECIAL BENEFITS FOR DISABLED COAL MINERS

6 For carrying out title IV of the Federal Mine Safety
 7 and Health Act of 1977, as amended by Public Law 107–
 8 275, \$229,373,000, to remain available until expended.

9 For making after July 31 of the current fiscal year,
 10 benefit payments to individuals under title IV of such Act,
 11 for costs incurred in the current fiscal year, such amounts
 12 as may be necessary.

13 For making benefit payments under title IV for the
 14 first quarter of fiscal year 2008, \$68,000,000, to remain
 15 available until expended.

16 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

17 OCCUPATIONAL ILLNESS COMPENSATION FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to administer the Energy
 20 Employees Occupational Illness Compensation Act,
 21 \$102,307,000, to remain available until expended: *Pro-*
 22 *vided*, That the Secretary of Labor is authorized to trans-
 23 fer to any executive agency with authority under the En-
 24 ergy Employees Occupational Illness Compensation Act,
 25 including within the Department of Labor, such sums as

1 may be necessary in fiscal year 2007 to carry out those
2 authorities: *Provided further*, That the Secretary may re-
3 quire that any person filing a claim for benefits under
4 such Act provide as part of such claim, such identifying
5 information (including Social Security account number) as
6 may be prescribed: *Provided further*, That not later than
7 30 days after enactment, in addition to other sums trans-
8 ferred by the Secretary to the National Institute for Occu-
9 pational Safety and Health (NIOSH) for the administra-
10 tion of the Energy Employees Occupational Illness Com-
11 pensation Program (EEOICPA), the Secretary shall
12 transfer \$4,500,000 to NIOSH from the funds appro-
13 priated to the Energy Employees Occupational Illness
14 Compensation Fund (42 U.S.C. 7384e), for use by or in
15 support of the Advisory Board on Radiation and Worker
16 Health (the Board) to carry out its statutory responsibil-
17 ities under EEOICPA (42 U.S.C. 7384n–q), including ob-
18 taining audits, technical assistance and other support
19 from the Board’s audit contractor with regard to radiation
20 dose estimation and reconstruction efforts, site profiles,
21 procedures, and review of Special Exposure Cohort peti-
22 tions and evaluation reports.

1 BLACK LUNG DISABILITY TRUST FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 In fiscal year 2007 and thereafter, such sums as may
4 be necessary from the Black Lung Disability Trust Fund,
5 to remain available until expended, for payment of all ben-
6 efits authorized by section 9501(d)(1), (2), (4), and (7)
7 of the Internal Revenue Code of 1954; and interest on ad-
8 vances, as authorized by section 9501(e)(2) of such Act.
9 In addition, the following amounts shall be available from
10 the Fund for fiscal year 2007 for expenses of operation
11 and administration of the Black Lung Benefits program,
12 as authorized by section 9501(d)(5) of such Act:
13 \$33,578,000 for transfer to the Employment Standards
14 Administration “Salaries and Expenses”; \$25,255,000 for
15 transfer to Departmental Management, “Salaries and Ex-
16 penses”; \$346,000 for transfer to Departmental Manage-
17 ment, “Office of Inspector General”; and \$356,000 for
18 payments into miscellaneous receipts for the expenses of
19 the Department of the Treasury.

20 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Occupational Safety
23 and Health Administration, \$486,051,000, including not
24 to exceed \$91,093,000 which shall be the maximum
25 amount available for grants to States under section 23(g)

1 of the Occupational Safety and Health Act (the Act),
2 which grants shall be no less than 50 percent of the costs
3 of State occupational safety and health programs required
4 to be incurred under plans approved by the Secretary of
5 Labor under section 18 of the Act; and, in addition, not-
6 withstanding section 3302 of title 31, United States Code,
7 the Occupational Safety and Health Administration may
8 retain up to \$750,000 per fiscal year of training institute
9 course tuition fees, otherwise authorized by law to be col-
10 lected, and may utilize such sums for occupational safety
11 and health training and education: *Provided*, That, not-
12 withstanding section 3302 of title 31, United States Code,
13 the Secretary is authorized, during the fiscal year ending
14 September 30, 2007, to collect and retain fees for services
15 provided to Nationally Recognized Testing Laboratories,
16 and may utilize such sums, in accordance with the provi-
17 sions of section 2 of the Act of April 13, 1934 (29 U.S.C.
18 9a), to administer national and international laboratory
19 recognition programs that ensure the safety of equipment
20 and products used by workers in the workplace: *Provided*
21 *further*, That none of the funds appropriated under this
22 paragraph shall be obligated or expended to prescribe,
23 issue, administer, or enforce any standard, rule, regula-
24 tion, or order under the Act which is applicable to any
25 person who is engaged in a farming operation which does

1 not maintain a temporary labor camp and employs 10 or
2 fewer employees: *Provided further*, That no funds appro-
3 priated under this paragraph shall be obligated or ex-
4 pended to administer or enforce any standard, rule, regu-
5 lation, or order under the Act with respect to any employer
6 of 10 or fewer employees who is included within a category
7 having a Days Away, Restricted, or Transferred (DART)
8 occupational injury and illness rate, at the most precise
9 industrial classification code for which such data are pub-
10 lished, less than the national average rate as such rates
11 are most recently published by the Secretary, acting
12 through the Bureau of Labor Statistics, in accordance
13 with section 24 of the Act (29 U.S.C. 673), except—

14 (1) to provide, as authorized by the Act, con-
15 sultation, technical assistance, educational and train-
16 ing services, and to conduct surveys and studies;

17 (2) to conduct an inspection or investigation in
18 response to an employee complaint, to issue a cita-
19 tion for violations found during such inspection, and
20 to assess a penalty for violations which are not cor-
21 rected within a reasonable abatement period and for
22 any willful violations found;

23 (3) to take any action authorized by the Act
24 with respect to imminent dangers;

1 (4) to take any action authorized by the Act
2 with respect to health hazards;

3 (5) to take any action authorized by the Act
4 with respect to a report of an employment accident
5 which is fatal to one or more employees or which re-
6 sults in hospitalization of two or more employees,
7 and to take any action pursuant to such investiga-
8 tion authorized by the Act; and

9 (6) to take any action authorized by the Act
10 with respect to complaints of discrimination against
11 employees for exercising rights under the Act:

12 *Provided further*, That the foregoing proviso shall not
13 apply to any person who is engaged in a farming operation
14 which does not maintain a temporary labor camp and em-
15 ploys 10 or fewer employees: *Provided further*, That none
16 of the funds appropriated under this paragraph shall be
17 obligated or expended to administer or enforce the provi-
18 sions of 29 CFR 1910.134(f)(2) (General Industry Res-
19 piratory Protection Standard) to the extent that such pro-
20 visions require the annual fit testing (after the initial fit
21 testing) of respirators for occupational exposure to tuber-
22 culosis.

1 MINE SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Mine Safety and
4 Health Administration, \$278,869,000 including purchase
5 and bestowal of certificates and trophies in connection
6 with mine rescue and first-aid work, and the hire of pas-
7 senger motor vehicles, including up to \$2,000,000 for
8 mine rescue and recovery activities; in addition, not to ex-
9 ceed \$750,000 may be collected by the National Mine
10 Health and Safety Academy for room, board, tuition, and
11 the sale of training materials, otherwise authorized by law
12 to be collected, to be available for mine safety and health
13 education and training activities, notwithstanding section
14 3302 of title 31, United States Code; and, in addition,
15 the Mine Safety and Health Administration may retain
16 up to \$1,000,000 from fees collected for the approval and
17 certification of equipment, materials, and explosives for
18 use in mines, and may utilize such sums for such activi-
19 ties; the Secretary of Labor is authorized to accept lands,
20 buildings, equipment, and other contributions from public
21 and private sources and to prosecute projects in coopera-
22 tion with other agencies, Federal, State, or private; the
23 Mine Safety and Health Administration is authorized to
24 promote health and safety education and training in the
25 mining community through cooperative programs with

1 States, industry, and safety associations; the Secretary is
2 authorized to recognize the Joseph A. Holmes Safety As-
3 sociation as a principal safety association and, notwith-
4 standing any other provision of law, may provide funds
5 and, with or without reimbursement, personnel, including
6 service of Mine Safety and Health Administration officials
7 as officers in local chapters or in the national organiza-
8 tion; and any funds available to the Department may be
9 used, with the approval of the Secretary, to provide for
10 the costs of mine rescue and survival operations in the
11 event of a major disaster.

12 BUREAU OF LABOR STATISTICS

13 SALARIES AND EXPENSES

14 For necessary expenses for the Bureau of Labor Sta-
15 tistics, including advances or reimbursements to State,
16 Federal, and local agencies and their employees for serv-
17 ices rendered, \$486,262,000, together with not to exceed
18 \$79,026,000, which may be expended from the Employ-
19 ment Security Administration Account in the Unemploy-
20 ment Trust Fund.

21 OFFICE OF DISABILITY EMPLOYMENT POLICY

22 SALARIES AND EXPENSES

23 For necessary expenses for the Office of Disability
24 Employment Policy to provide leadership, develop policy
25 and initiatives, and award grants furthering the objective

1 of eliminating barriers to the training and employment of
2 people with disabilities, \$20,319,000.

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for Departmental Manage-
6 ment, including the hire of three sedans, and including
7 the management or operation, through contracts, grants
8 or other arrangements of Departmental activities con-
9 ducted by or through the Bureau of International Labor
10 Affairs, including bilateral and multilateral technical as-
11 sistance and other international labor activities,
12 \$236,462,000, of which \$1,893,000, to remain available
13 until September 30, 2008, is for Frances Perkins Building
14 Security Enhancements, and \$28,000,000 is for the acqui-
15 sition of Departmental information technology, architec-
16 ture, infrastructure, equipment, software and related
17 needs, which will be allocated by the Department's Chief
18 Information Officer in accordance with the Department's
19 capital investment management process to assure a sound
20 investment strategy; together with not to exceed
21 \$322,000, which may be expended from the Employment
22 Security Administration Account in the Unemployment
23 Trust Fund.

1 VETERANS EMPLOYMENT AND TRAINING

2 Not to exceed \$195,177,000 may be derived from the
3 Employment Security Administration Account in the Un-
4 employment Trust Fund to carry out the provisions of sec-
5 tions 4100–4113, 4211–4215, and 4321–4327 of title 38,
6 United States Code, and Public Law 103–353, and which
7 shall be available for obligation by the States through De-
8 cember 31, 2007, of which \$1,969,000 is for the National
9 Veterans’ Employment and Training Services Institute.
10 To carry out the Homeless Veterans Reintegration Pro-
11 grams (38 U.S.C. 2021) and the Veterans Workforce In-
12 vestment Programs (29 U.S.C. 2913), \$29,263,000, of
13 which \$7,425,000 shall be available for obligation for the
14 period July 1, 2007 through June 30, 2008.

15 OFFICE OF INSPECTOR GENERAL

16 For salaries and expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$68,073,000, together with not to
19 exceed \$5,688,000, which may be expended from the Em-
20 ployment Security Administration Account in the Unem-
21 ployment Trust Fund.

22 ADMINISTRATIVE PROVISIONS

23 SEC. 101. None of the funds appropriated in this title
24 for the Job Corps shall be used to pay the salary of an

1 individual, either as direct costs or any proration as an
2 indirect cost, at a rate in excess of Executive Level II.

3 SEC. 102. Not to exceed 1 percent of any discre-
4 tionary funds (pursuant to the Balanced Budget and
5 Emergency Deficit Control Act of 1985) which are appro-
6 priated for the current fiscal year for the Department of
7 Labor in this Act may be transferred between accounts,
8 but no such account shall be increased by more than 3
9 percent by any such transfer: *Provided*, That the transfer
10 authority granted by this section shall be available only
11 to meet unanticipated needs and shall not be used to cre-
12 ate any new program or to fund any project or activity
13 for which no funds are provided in this Act: *Provided fur-*
14 *ther*, That the Committees on Appropriations of the House
15 of Representatives and the Senate are notified at least 15
16 days in advance of any transfer and approve the transfer.

17 SEC. 103. In accordance with Executive Order No.
18 13126, none of the funds appropriated or otherwise made
19 available pursuant to this Act shall be obligated or ex-
20 pended for the procurement of goods mined, produced,
21 manufactured, or harvested or services rendered, whole or
22 in part, by forced or indentured child labor in industries
23 and host countries already identified by the United States
24 Department of Labor prior to enactment of this Act.

9 SEC. 105. After September 30, 2006, the Secretary
10 of Labor shall issue a monthly transit subsidy of not less
11 than the full amount (of not less than \$105) each of its
12 employees of the National Capital Region is eligible to re-
13 ceive.

16 HEALTH RESOURCES AND SERVICES ADMINISTRATION

17 HEALTH RESOURCES AND SERVICES

HR 5647 RH

1 for expenses necessary to support activities related to
2 countering potential biological, disease, nuclear, radio-
3 logical and chemical threats to civilian populations,
4 \$7,050,917,000, of which \$248,146,000 shall be available
5 for noncompetitive grants, with terms and conditions and
6 in the amounts specified in the committee report of the
7 House of Representatives accompanying this Act, and of
8 which \$40,000,000 from general revenues, notwith-
9 standing section 1820(j) of the Social Security Act, shall
10 be available for carrying out the Medicare rural hospital
11 flexibility grants program under section 1820 of such Act:
12 *Provided*, That of the funds made available under this
13 heading, \$220,000 shall be available until expended for
14 facilities renovations at the Gillis W. Long Hansen's Dis-
15 ease Center: *Provided further*, That in addition to fees au-
16 thorized by section 427(b) of the Health Care Quality Im-
17 provement Act of 1986, fees shall be collected for the full
18 disclosure of information under such Act sufficient to re-
19 cover the full costs of operating the National Practitioner
20 Data Bank, and shall remain available until expended to
21 carry out such Act: *Provided further*, That fees collected
22 for the full disclosure of information under the "Health
23 Care Fraud and Abuse Data Collection Program", author-
24 ized by section 1128E(d)(2) of the Social Security Act,
25 shall be sufficient to recover the full costs of operating

1 the program, and shall remain available until expended to
2 carry out that program: *Provided further*, That
3 \$25,000,000 of the funding provided for community
4 health centers shall be used for base grant adjustments
5 for existing centers: *Provided further*, That no more than
6 \$10,000 is available until expended for carrying out the
7 provisions of section 224(o) of the PHS Act including as-
8 sociated administrative expenses: *Provided further*, That
9 no more than \$44,550,000 is available until expended for
10 carrying out the provisions of Public Law 104–73 and for
11 expenses incurred by the Department of Health and
12 Human Services pertaining to administrative claims made
13 under such law: *Provided further*, That of the funds made
14 available under this heading, \$283,103,000 shall be for
15 the program under title X of the PHS Act to provide for
16 voluntary family planning projects: *Provided further*, That
17 amounts provided to said projects under such title shall
18 not be expended for abortions, that all pregnancy coun-
19 seling shall be nondirective, and that such amounts shall
20 not be expended for any activity (including the publication
21 or distribution of literature) that in any way tends to pro-
22 mote public support or opposition to any legislative pro-
23 posal or candidate for public office: *Provided further*, That
24 \$789,546,000 shall be for State AIDS Drug Assistance
25 Programs authorized by section 2616 of the PHS Act:

1 *Provided further*, That in addition to amounts provided
 2 herein, \$25,000,000 shall be available from amounts avail-
 3 able under section 241 of the PHS Act to carry out parts
 4 A, B, C, and D of title XXVI of the PHS Act to fund
 5 section 2691 special projects of national significance: *Pro-*
 6 *vided further*, That, notwithstanding section 502(a)(1) of
 7 the Social Security Act, not to exceed \$117,428,000 is
 8 available for carrying out special projects of regional and
 9 national significance pursuant to section 501(a)(2) of such
 10 Act.

11 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

12 ACCOUNT

13 Such sums as may be necessary to carry out subpart
 14 1 of part A of title VII of the Public Health Service Act.
 15 For administrative expenses to carry out the guaranteed
 16 loan program, including section 709 of such Act,
 17 \$2,887,000.

18 VACCINE INJURY COMPENSATION TRUST FUND

19 For payments from the Vaccine Injury Compensation
 20 Trust Fund, such sums as may be necessary for claims
 21 associated with vaccine-related injury or death with re-
 22 spect to vaccines administered after September 30, 1988,
 23 pursuant to subtitle 2 of title XXI of the Public Health
 24 Service Act, to remain available until expended: *Provided*,
 25 That for necessary administrative expenses, not to exceed

1 \$3,564,000 shall be available from the Trust Fund to the
2 Secretary of Health and Human Services.

3 CENTERS FOR DISEASE CONTROL AND PREVENTION

4 DISEASE CONTROL, RESEARCH, AND TRAINING

5 To carry out titles II, III, VII, XI, XV, XVII, XIX,
6 XXI, and XXVI of the Public Health Service Act, sections
7 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
8 Mine Safety and Health Act of 1977, sections 20, 21, and
9 22 of the Occupational Safety and Health Act of 1970,
10 title IV of the Immigration and Nationality Act, section
11 501 of the Refugee Education Assistance Act of 1980, and
12 for expenses necessary to support activities related to
13 countering potential biological, disease, nuclear, radio-
14 logical, and chemical threats to civilian populations; in-
15 cluding purchase and insurance of official motor vehicles
16 in foreign countries; and purchase, hire, maintenance, and
17 operation of aircraft, \$6,073,503,000, of which
18 \$17,315,000 shall be available for noncompetitive grants,
19 with terms and conditions and in the amounts specified
20 in the committee report of the House of Representatives
21 accompanying this Act; of which \$29,700,000 shall remain
22 available until expended for equipment, construction, and
23 renovation of facilities; of which \$550,000,000 shall re-
24 main available until expended for the Strategic National
25 Stockpile under section 319F–2 of the Public Health Serv-

1 ice Act; and of which \$121,952,000 for international HIV/
2 AIDS shall remain available until September 30, 2008:
3 *Provided*, That in addition, such sums as may be derived
4 from authorized user fees, shall be credited to this ac-
5 count: *Provided further*, That in addition to amounts pro-
6 vided herein, the following amounts shall be available from
7 amounts available under section 241 of the Public Health
8 Service Act: (1) \$12,794,000 to carry out the National
9 Immunization Surveys and (2) \$87,071,000 to carry out
10 research activities within the National Occupational Re-
11 search Agenda: *Provided further*, That none of the funds
12 made available for injury prevention and control at the
13 Centers for Disease Control and Prevention may be used,
14 in whole or in part, to advocate or promote gun control:
15 *Provided further*, That up to \$31,800,000 shall be made
16 available until expended for Individual Learning Accounts
17 for full-time equivalent employees of the Centers for Dis-
18 ease Control and Prevention: *Provided further*, That the
19 Director may redirect the total amount made available
20 under authority of section 3 of the Vaccine and Immuniza-
21 tion Amendments of 1990 (Public Law 101–502) to activi-
22 ties the Director may so designate: *Provided further*, That
23 the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate are to be notified promptly
25 of any such transfer: *Provided further*, That not to exceed

1 \$12,500,000 may be available for making grants under
2 section 1509 of the Public Health Service Act to not more
3 than 15 States, tribes, or tribal organizations: *Provided*
4 *further*, That of the funds appropriated, \$10,000 is for
5 official reception and representation expenses when spe-
6 cifically approved by the Director of the Centers for Dis-
7 ease Control and Prevention: *Provided further*, That em-
8 ployees of the Centers for Disease Control and Prevention
9 or the Public Health Service, both civilian and Commis-
10 sioned Officers, detailed to States, municipalities, or other
11 organizations under authority of section 214 of the Public
12 Health Service Act, shall be treated as non-Federal em-
13 ployees for reporting purposes only and shall not be in-
14 cluded within any personnel ceiling applicable to the Agen-
15 cy, Service, or the Department of Health and Human
16 Services during the period of detail or assignment.

17 NATIONAL INSTITUTES OF HEALTH

18 NATIONAL CANCER INSTITUTE

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to cancer,
21 \$4,753,609,000, of which up to \$8,000,000 may be used
22 for facilities repairs and improvements at the NCI-Fred-
23 erick Federally Funded Research and Development Center
24 in Frederick, Maryland.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to cardiovascular, lung,
4 and blood diseases, and blood and blood products,
5 \$2,901,012,000.

6 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
7 RESEARCH

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to dental disease,
10 \$386,095,000.

11 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
12 KIDNEY DISEASES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to diabetes and diges-
15 tive and kidney disease, \$1,694,298,000.

16 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
17 AND STROKE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to neurological dis-
20 orders and stroke, \$1,524,750,000.

21 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
22 DISEASES

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to allergy and infec-
25 tious diseases, \$4,270,496,000.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to general medical
4 sciences, \$1,923,481,000.

5 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
6 DEVELOPMENT

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to child health and
9 human development, \$1,257,418,000, of which
10 \$69,000,000 shall be for continuation of the National
11 Children's Study.

12 NATIONAL EYE INSTITUTE

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to eye diseases and
15 visual disorders, \$661,358,000.

16 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
17 SCIENCES

18 For carrying out sections 301 and 311 and title IV
19 of the Public Health Service Act with respect to environ-
20 mental health sciences, \$637,323,000.

21 NATIONAL INSTITUTE ON AGING

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to aging,
24 \$1,039,828,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to arthritis and mus-
5 culoskeletal and skin diseases, \$504,533,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to deafness and other
10 communication disorders, \$391,556,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to nursing research,
14 \$136,550,000.

15 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
16 ALCOHOLISM

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to alcohol abuse and
19 alcoholism, \$433,318,000.

20 NATIONAL INSTITUTE ON DRUG ABUSE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to drug abuse,
23 \$994,829,000.

1 NATIONAL INSTITUTE OF MENTAL HEALTH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to mental health,
4 \$1,394,806,000.

5 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to human genome re-
8 search, \$482,942,000.

9 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
10 BIOENGINEERING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to biomedical imaging
13 and bioengineering research, \$294,850,000.

14 NATIONAL CENTER FOR RESEARCH RESOURCES

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to research resources
17 and general research support grants, \$1,123,242,000, of
18 which \$25,000,000 shall be for extramural facilities con-
19 struction: *Provided*, That none of these funds shall be used
20 to pay recipients of the general research support grants
21 program any amount for indirect expenses in connection
22 with such grants.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to complementary and
5 alternative medicine, \$120,554,000.

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
7 DISPARITIES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to minority health and
10 health disparities research, \$194,299,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, \$66,681,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, \$313,269,000, of which \$4,000,000 shall
18 be available until expended for improvement of informa-
19 tion systems: *Provided*, That in fiscal year 2007, the Li-
20 brary may enter into personal services contracts for the
21 provision of services in facilities owned, operated, or con-
22 structed under the jurisdiction of the National Institutes
23 of Health: *Provided further*, That in addition to amounts
24 provided herein, \$8,200,000 shall be available from
25 amounts available under section 241 of the Public Health

1 Service Act to carry out National Information Center on
2 Health Services Research and Health Care Technology
3 and related health services.

4 OFFICE OF THE DIRECTOR

5 (INCLUDING TRANSFER OF FUNDS)

6 For carrying out the responsibilities of the Office of
7 the Director, National Institutes of Health, \$667,825,000,
8 of which up to \$14,000,000 shall be used to carry out sec-
9 tion 216 of this Act: *Provided*, That funding shall be avail-
10 able for the purchase of not to exceed 29 passenger motor
11 vehicles for replacement only: *Provided further*, That the
12 Director may direct up to 1 percent of the total amount
13 made available in this or any other Act to all National
14 Institutes of Health appropriations to activities the Direc-
15 tor may so designate: *Provided further*, That no such ap-
16 propriation shall be decreased by more than 1 percent by
17 any such transfers and that the Committees on Appropria-
18 tions of the House of Representatives and the Senate are
19 promptly notified of the transfer: *Provided further*, That
20 the National Institutes of Health is authorized to collect
21 third party payments for the cost of clinical services that
22 are incurred in National Institutes of Health research fa-
23 cilities and that such payments shall be credited to the
24 National Institutes of Health Management Fund: *Pro-*
25 *vided further*, That all funds credited to such Fund shall

1 remain available for one fiscal year after the fiscal year
2 in which they are deposited: *Provided further*, That up to
3 \$500,000 shall be available to carry out section 499 of
4 the Public Health Service Act: *Provided further*, That in
5 addition to the transfer authority provided above, amounts
6 appropriated in this Act to each institute and center may
7 be transferred and utilized for the National Institutes of
8 Health Common Fund: *Provided further*, That the amount
9 utilized under the preceding proviso shall not exceed
10 \$332,000,000 without prior notification to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate: *Provided further*, That amounts trans-
13 ferred and utilized under the preceding two provisos shall
14 be in addition to amounts made available for the Common
15 Fund from the Director's Discretionary Fund and to any
16 amounts allocated to activities related to the Common
17 Fund through the normal research priority-setting process
18 of individual institutes and centers: *Provided further*, That
19 beginning on April 1, 2007, the Director shall report every
20 six months to the Committees on Appropriations of the
21 House of Representatives and the Senate on all deposits
22 to and expenditures from the Common Fund: *Provided*
23 *further*, That of the funds provided \$10,000 shall be for
24 official reception and representation expenses when spe-
25 cifically approved by the Director of the National Insti-

1 tutes of Health: *Provided further*, That the Office of AIDS
 2 Research within the Office of the Director of the National
 3 Institutes of Health may spend up to \$4,000,000 to make
 4 grants for construction or renovation of facilities as pro-
 5 vided for in section 2354(a)(5)(B) of the Public Health
 6 Service Act: *Provided further*, That of the funds provided
 7 \$96,030,000 shall be for expenses necessary to support ac-
 8 tivities related to countering potential nuclear, radiological
 9 and chemical threats to civilian populations: *Provided fur-*
 10 *ther*, That of the funds provided, \$159,500,000 shall be
 11 for expenses necessary to support activities related to the
 12 advanced development of biodefense countermeasures.

13 BUILDINGS AND FACILITIES

14 For the study of, construction of, renovation of, and
 15 acquisition of equipment for, facilities of or used by the
 16 National Institutes of Health, including the acquisition of
 17 real property, \$81,081,000, to remain available until ex-
 18 pended.

19 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

20 ADMINISTRATION

21 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

22 For carrying out titles V and XIX of the Public
 23 Health Service Act (PHS Act) with respect to substance
 24 abuse and mental health services, the Protection and Ad-
 25 vocacy for Individuals with Mental Illness Act, and section

1 301 of the PHS Act with respect to program management,
2 \$3,217,006,000, of which \$12,640,000 shall be available
3 for noncompetitive grants, with terms and conditions and
4 in the amounts specified in the committee report of the
5 House of Representatives accompanying this Act: *Pro-*
6 *vided*, That notwithstanding section 520A(f)(2) of the
7 PHS Act, no funds appropriated for carrying out section
8 520A are available for carrying out section 1971 of the
9 PHS Act: *Provided further*, That in addition to amounts
10 provided herein, the following amounts shall be available
11 under section 241 of the PHS Act: (1) \$79,200,000 to
12 carry out subpart II of part B of title XIX of the PHS
13 Act to fund section 1935(b) technical assistance, national
14 data, data collection and evaluation activities, and further
15 that the total available under this Act for section 1935(b)
16 activities shall not exceed 5 percent of the amounts appro-
17 priated for subpart II of part B of title XIX; (2)
18 \$21,629,000 to carry out subpart I of part B of title XIX
19 of the PHS Act to fund section 1920(b) technical assist-
20 ance, national data, data collection and evaluation activi-
21 ties, and further that the total available under this Act
22 for section 1920(b) activities shall not exceed 5 percent
23 of the amounts appropriated for subpart I of part B of
24 title XIX; (3) \$21,000,000 to carry out national surveys

1 on drug abuse; and (4) \$4,300,000 to evaluate substance
2 abuse treatment programs.

3 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

4 HEALTHCARE RESEARCH AND QUALITY

5 For carrying out titles III and IX of the Public
6 Health Service Act, and part A of title XI of the Social
7 Security Act, \$318,695,000; and in addition, amounts re-
8 ceived from Freedom of Information Act fees, reimburs-
9 able and interagency agreements, and the sale of data
10 shall be credited to this appropriation and shall remain
11 available until expended: *Provided*, That no amount shall
12 be made available pursuant to section 927(c) of the Public
13 Health Service Act for fiscal year 2007.

14 CENTERS FOR MEDICARE AND MEDICAID SERVICES

15 GRANTS TO STATES FOR MEDICAID

16 For carrying out, except as otherwise provided, titles
17 XI and XIX of the Social Security Act, \$138,072,248,000,
18 to remain available until expended.

19 For making, after May 31, 2007, payments to States
20 under title XIX of the Social Security Act for the last
21 quarter of fiscal year 2007, for unanticipated costs, in-
22 curred for the current fiscal year, such sums as may be
23 necessary.

24 For making payments to States or in the case of sec-
25 tion 1928 on behalf of States under title XIX of the Social

1 Security Act for the first quarter of fiscal year 2008,
2 \$65,257,617,000, to remain available until expended.

3 Payment under title XIX may be made for any quar-
4 ter with respect to a State plan or plan amendment in
5 effect during such quarter, if submitted in or prior to such
6 quarter and approved in that or any subsequent quarter.

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance and
9 the Federal Supplementary Medical Insurance Trust
10 Funds, as provided under sections 1844 and 1860D–16
11 of the Social Security Act, sections 103(c) and 111(d) of
12 the Social Security Amendments of 1965, section 278(d)
13 of Public Law 97–248, and for administrative expenses
14 incurred pursuant to section 201(g) of the Social Security
15 Act, \$197,017,391,000.

16 In addition, for making matching payments under
17 section 1844 of the Social Security Act, and benefit pay-
18 ments under 1860D–16 of such Act, not anticipated in
19 budget estimates, such sums as may be necessary.

20 PROGRAM MANAGEMENT

21 For carrying out, except as otherwise provided, titles
22 XI, XVIII, XIX, and XXI of the Social Security Act, titles
23 XIII and XXVII of the Public Health Service Act, and
24 the Clinical Laboratory Improvement Amendments of
25 1988, not to exceed \$3,153,547,000, to be transferred

1 from the Federal Hospital Insurance and the Federal Sup-
2 plementary Medical Insurance Trust Funds, as authorized
3 by section 201(g) of the Social Security Act; together with
4 all funds collected in accordance with section 353 of the
5 Public Health Service Act and section 1857(e)(2) of the
6 Social Security Act, and such sums as may be collected
7 from authorized user fees and the sale of data, which shall
8 remain available until expended: *Provided*, That all funds
9 derived in accordance with section 9701 of title 31, United
10 States Code, from organizations established under title
11 XIII of the Public Health Service Act shall be credited
12 to and available for carrying out the purposes of this ap-
13 propriation: *Provided further*, That \$5,145,000 shall be
14 available for noncompetitive grants, with terms and condi-
15 tions and in the amounts specified in the committee report
16 of the House of Representatives accompanying this Act:
17 *Provided further*, That \$22,765,000, to remain available
18 until September 30, 2008, is for contract costs for the
19 Centers for Medicare and Medicaid Services Systems Revi-
20 talization Plan: *Provided further*, That \$48,960,000, to re-
21 main available until September 30, 2008, is for contract
22 costs for the Healthcare Integrated General Ledger Ac-
23 counting System: *Provided further*, That \$146,760,000, to
24 remain available until September 30, 2008, is for Medi-
25 care contracting reform activities of the Centers for Medi-

1 care and Medicaid Services: *Provided further*, That funds
2 appropriated under this heading are available for the
3 Healthy Start, Grow Smart program under which the Cen-
4 ters for Medicare and Medicaid Services may, directly or
5 through grants, contracts, or cooperative agreements,
6 produce and distribute informational materials including,
7 but not limited to, pamphlets and brochures on infant and
8 toddler health care to expectant parents enrolled in the
9 Medicaid program and to parents and guardians enrolled
10 in such program with infants and children: *Provided fur-*
11 *ther*, That the Secretary of Health and Human Services
12 shall charge fees for conducting revisit surveys on health
13 care facilities cited for deficiencies during initial certifi-
14 cation, recertification, or substantiated complaints sur-
15 veys; such fees shall be credited to this appropriation as
16 offsetting collections, to remain available until expended
17 for conducting such surveys; and the amount appropriated
18 under this heading from the Federal Hospital Insurance
19 and the Federal Supplementary Medical Insurance Trust
20 Funds shall be reduced by an amount corresponding to
21 the fees collected: *Provided further*, That the Secretary of
22 Health and Human Services shall collect fees in fiscal year
23 2007 from Medicare Advantage organizations pursuant to
24 section 1857(e)(2) of the Social Security Act and from eli-
25 gible organizations with risk-sharing contracts under sec-

1 tion 1876 of such Act pursuant to section 1876(k)(4)(D)
2 of such Act.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For making payments to States or other non-Federal
7 entities under titles I, IV–D, X, XI, XIV, and XVI of the
8 Social Security Act and the Act of July 5, 1960 (24
9 U.S.C. ch. 9), \$2,752,697,000, to remain available until
10 expended; and for such purposes for the first quarter of
11 fiscal year 2008, \$1,000,000,000, to remain available until
12 expended.

13 For making payments to each State for carrying out
14 the program of Aid to Families with Dependent Children
15 under title IV–A of the Social Security Act as in effect
16 before the effective date of the program of Temporary As-
17 sistance for Needy Families (TANF) with respect to such
18 State, such sums as may be necessary: *Provided*, That the
19 sum of the amounts available to a State with respect to
20 expenditures under such title IV–A in fiscal year 1997
21 under this appropriation and under such title IV–A as
22 amended by the Personal Responsibility and Work Oppor-
23 tunity Reconciliation Act of 1996 shall not exceed the limi-
24 tations under section 116(b) of such Act.

1 For making, after May 31 of the current fiscal year,
2 payments to States or other non-Federal entities under
3 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
4 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
5 the last 3 months of the current fiscal year for unantici-
6 pated costs, incurred for the current fiscal year, such sums
7 as may be necessary.

8 LOW INCOME HOME ENERGY ASSISTANCE

9 For making payments under section 2602(b) of the
10 Low Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621(b)), \$1,930,000,000.

12 For making payments under section 2604(e) the Low
13 Income Home Energy Assistance Act of 1981 (42 U.S.C.
14 8623(e)), \$181,170,000, notwithstanding the designation
15 requirement of section 2602(e) of such Act.

16 REFUGEE AND ENTRANT ASSISTANCE

17 For necessary expenses for refugee and entrant as-
18 sistance activities and for costs associated with the care
19 and placement of unaccompanied alien children authorized
20 by title IV of the Immigration and Nationality Act (8
21 U.S.C. 1524) and section 501 of the Refugee Education
22 Assistance Act of 1980 (8 U.S.C. 1522 note), for carrying
23 out section 462 of the Homeland Security Act of 2002
24 (6 U.S.C. 279), and for carrying out the Torture Victims
25 Relief Act of 1998 (22 U.S.C. 2152 note) \$604,329,000,

1 of which up to \$9,816,000 shall be available to carry out
2 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
3 7101 et seq.): *Provided*, That funds appropriated under
4 this heading pursuant to section 414(a) of the Immigra-
5 tion and Nationality Act and section 462 of the Homeland
6 Security Act of 2002 for fiscal year 2007 shall be available
7 for the costs of assistance provided and other activities
8 to remain available through September 30, 2009.

9 PAYMENTS TO STATES FOR THE CHILD CARE AND
10 DEVELOPMENT BLOCK GRANT

11 For carrying out the Child Care and Development
12 Block Grant Act of 1990 (42 U.S.C. 9858 et seq.),
13 \$2,062,081,000 shall be used to supplement, not supplant
14 State general revenue funds for child care assistance for
15 low-income families: *Provided*, That \$18,777,370 shall be
16 available for child care resource and referral and school-
17 aged child care activities, of which \$982,080 shall be for
18 the Child Care Aware toll-free hotline: *Provided further*,
19 That, in addition to the amounts required to be reserved
20 by the States under section 658G, \$267,785,718 shall be
21 reserved by the States for activities authorized under sec-
22 tion 658G, of which \$98,208,000 shall be for activities
23 that improve the quality of infant and toddler care: *Pro-*
24 *vided further*, That \$9,821,000 shall be for use by the Sec-

1 retary for child care research, demonstration, and evalua-
2 tion activities.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
5 2002 of the Social Security Act (42 U.S.C. 1397a),
6 \$1,700,000,000.

7 CHILDREN AND FAMILIES SERVICES PROGRAMS

8 For carrying out, except as otherwise provided, the
9 Runaway and Homeless Youth Act (42 U.S.C. 5711 et
10 seq.), the Developmental Disabilities Assistance and Bill
11 of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head
12 Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Pre-
13 vention and Treatment Act (42 U.S.C. 5101 et seq.), sec-
14 tions 310 and 316 of the Family Violence Prevention and
15 Services Act (42 U.S.C. 10409, 10416), the Native Amer-
16 ican Programs Act of 1974 (42 U.S.C. 2991a et seq.),
17 title II of the Child Abuse Prevention and Treatment and
18 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)
19 (adoption opportunities), sections 330F and 330G of the
20 Public Health Service Act (42 U.S.C. 254c–6, 254c–7),
21 the Abandoned Infants Assistance Act of 1988 (42 U.S.C.
22 670 note), sections 261 and 291 of the Help America Vote
23 Act of 2002 (42 U.S.C. 15421, 15461), part B–1 of title
24 IV and sections 413, 1110, and 1115 of the Social Secu-
25 rity Act, for making payments under the Community Serv-

ices Block Grant Act (42 U.S.C. 9901 et seq.), sections 439 and 477 of the Social Security Act, and the Assets for Independence Act (42 U.S.C. 604 note), and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, \$8,652,666,000, of which \$17,820,000, to remain available until September 30, 2008, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act (42 U.S.C. 673b) and may be made for adoptions completed before September 30, 2007: *Provided*, That \$6,788,571,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2007, and remain available through September 30, 2008: *Provided further*, That \$483,426,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than \$7,367,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health

1 Service Act to carry out the provisions of section 1110
2 of the Social Security Act: *Provided further*, That the Sec-
3 retary of Health and Human Services shall establish pro-
4 cedures regarding the disposition of intangible property
5 which permits grant funds, or intangible assets acquired
6 with funds authorized under section 680 of the Commu-
7 nity Services Block Grant Act, to become the sole property
8 of such grantees after a period of not more than 12 years
9 after the end of the grant for purposes and uses consistent
10 with the original grant: *Provided further*, That funds ap-
11 propriated for section 680(a)(2) of the Community Serv-
12 ices Block Grant Act shall be available for financing con-
13 struction and rehabilitation and loans or investments in
14 private business enterprises owned by community develop-
15 ment corporations: *Provided further*, That \$54,549,000 is
16 for a compassion capital fund to provide grants to chari-
17 table organizations to emulate model social service pro-
18 grams and to encourage research on the best practices of
19 social service organizations: *Provided further*, That
20 \$15,720,000 shall be for activities authorized by the Help
21 America Vote Act of 2002, of which \$10,890,000 shall be
22 for payments to States to promote access for voters with
23 disabilities, and of which \$4,830,000 shall be for payments
24 to States for protection and advocacy systems for voters
25 with disabilities: *Provided further*, That \$108,900,000

1 shall be for making competitive grants to provide absti-
2 nence education (as defined by section 510(b)(2)(A)–(H)
3 of the Social Security Act) to adolescents, and for Federal
4 costs of administering the grant: *Provided further*, That
5 grants under the immediately preceding proviso shall be
6 made only to public and private entities which agree that,
7 with respect to an adolescent to whom the entities provide
8 abstinence education under such grant, the entities will
9 not provide to that adolescent any other education regard-
10 ing sexual conduct, except that, in the case of an entity
11 expressly required by law to provide health information or
12 services the adolescent shall not be precluded from seeking
13 health information or services from the entity in a dif-
14 ferent setting than the setting in which abstinence edu-
15 cation was provided: *Provided further*, That within
16 amounts provided herein for abstinence education for ado-
17 lescents, up to \$10,000,000 may be available for a na-
18 tional abstinence education campaign: *Provided further*,
19 That in addition to amounts provided herein for absti-
20 nence education for adolescents, \$4,500,000 shall be avail-
21 able from amounts available under section 241 of the Pub-
22 lic Health Service Act to carry out evaluations (including
23 longitudinal evaluations) of adolescent pregnancy preven-
24 tion approaches: *Provided further*, That \$2,000,000 shall
25 be for improving the Public Assistance Reporting Informa-

1 tion System, including grants to States to support data
2 collection for a study of the system's effectiveness.

3 PROMOTING SAFE AND STABLE FAMILIES

4 For carrying out section 436 of the Social Security
5 Act, \$345,000,000 and for section 437 of such Act,
6 \$89,100,000.

7 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

8 ASSISTANCE

9 For making payments to States or other non-Federal
10 entities under title IV–E of the Social Security Act,
11 \$5,211,000,000.

12 For making payments to States or other non-Federal
13 entities under title IV–E of the Social Security Act, for
14 the first quarter of fiscal year 2008, \$1,810,000,000.

15 For making, after May 31 of the current fiscal year,
16 payments to States or other non-Federal entities under
17 section 474 of title IV–E of the Social Security Act, for
18 the last 3 months of the current fiscal year for unantici-
19 pated costs, incurred for the current fiscal year, such sums
20 as may be necessary.

21 ADMINISTRATION ON AGING

22 AGING SERVICES PROGRAMS

23 For carrying out, to the extent not otherwise pro-
24 vided, the Older Americans Act of 1965 (42 U.S.C. 3011
25 et seq.) and section 398 of the Public Health Service Act

1 (42 U.S.C. 280c-3), \$1,390,306,000, of which \$5,500,000
2 shall be available for activities regarding medication man-
3 agement, screening, and education to prevent incorrect
4 medication and adverse drug reactions.

5 DEPARTMENTAL MANAGEMENT

6 OFFICE OF THE SECRETARY

7 GENERAL DEPARTMENTAL MANAGEMENT

8 For necessary expenses, not otherwise provided, for
9 general departmental management, including hire of six
10 sedans, and for carrying out titles III, XVII, XX, and XXI
11 of the Public Health Service Act, the United States-Mex-
12 ico Border Health Commission Act, and research studies
13 under section 1110 of the Social Security Act,
14 \$357,800,000, together with \$5,792,000 to be transferred
15 and expended as authorized by section 201(g)(1) of the
16 Social Security Act from the Hospital Insurance Trust
17 Fund and the Supplemental Medical Insurance Trust
18 Fund, and \$39,552,000 from the amounts available under
19 section 241 of the Public Health Service Act to carry out
20 national health or human services research and evaluation
21 activities: *Provided*, That of the funds made available
22 under this heading for carrying out title XX of the Public
23 Health Service Act, \$13,120,000 shall be for activities
24 specified under section 2003(b)(2), all of which shall be
25 for prevention service demonstration grants under section

1 510(b)(2) of the Social Security Act without application
2 of the limitation of section 2010(c) of such title XX: *Pro-*
3 *vided further*, That of this amount, \$51,891,000 shall be
4 for minority AIDS prevention and treatment activities;
5 and \$5,892,000 shall be to assist Afghanistan in the devel-
6 opment of maternal and child health clinics, consistent
7 with section 103(a)(4)(H) of the Afghanistan Freedom
8 Support Act of 2002.

9 OFFICE OF MEDICARE HEARINGS AND APPEALS

10 For expenses necessary for administrative law judges
11 responsible for hearing cases under title XVIII of the So-
12 cial Security Act (and related provisions of title XI of such
13 Act), \$70,000,000, to be transferred in appropriate part
14 from the Federal Hospital Insurance and the Federal Sup-
15 plementary Medical Insurance Trust Funds.

16 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
17 INFORMATION TECHNOLOGY

18 For expenses necessary for the Office of the National
19 Coordinator for Health Information Technology, including
20 grants, contracts and cooperative agreements for the de-
21 velopment and advancement of an interoperable national
22 health information technology infrastructure,
23 \$86,070,000: *Provided*, That in addition to amounts pro-
24 vided herein, \$11,930,000 shall be available from amounts
25 available under section 241 of the Public Health Service

1 Act to carry out health information technology network
2 development.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General, including the hire of passenger motor vehicles for
6 investigations, in carrying out the provisions of the Inspec-
7 tor General Act of 1978, \$41,415,000: *Provided*, That of
8 such amount, necessary sums are available for providing
9 protective services to the Secretary and investigating non-
10 payment of child support cases for which non-payment is
11 a Federal offense under section 228 of title 18, United
12 States Code.

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil
15 Rights, \$32,969,000, together with not to exceed
16 \$3,314,000 to be transferred and expended as authorized
17 by section 201(g)(1) of the Social Security Act from the
18 Hospital Insurance Trust Fund and the Supplemental
19 Medical Insurance Trust Fund.

20 RETIREMENT PAY AND MEDICAL BENEFITS FOR

21 COMMISSIONED OFFICERS

22 For retirement pay and medical benefits of Public
23 Health Service Commissioned Officers as authorized by
24 law, for payments under the Retired Serviceman's Family
25 Protection Plan and Survivor Benefit Plan, for medical

1 care of dependents and retired personnel under the De-
2 pendents' Medical Care Act (10 U.S.C. chapter 55), such
3 amounts as may be required during the current fiscal year.

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND

6 For expenses necessary to support activities related
7 to countering potential biological, disease, nuclear, radio-
8 logical and chemical threats to civilian populations, and
9 other public health emergencies, \$160,475,000.

10 ADMINISTRATIVE PROVISIONS

11 SEC. 201. Funds appropriated in this title shall be
12 available for not to exceed \$50,000 for official reception
13 and representation expenses when specifically approved by
14 the Secretary.

15 SEC. 202. The Secretary of Health and Human Serv-
16 ices shall make available through assignment not more
17 than 60 employees of the Public Health Service to assist
18 in child survival activities and to work in AIDS programs
19 through and with funds provided by the United States
20 Agency for International Development, the United Na-
21 tions International Children's Emergency Fund or the
22 World Health Organization.

23 SEC. 203. None of the funds appropriated in this Act
24 may be used to implement section 399F(b) of the Public
25 Health Service Act or section 1503 of the National Insti-

1 tutes of Health Revitalization Act of 1993 (Public Law
2 103–43).

3 SEC. 204. None of the funds appropriated in this Act
4 for the National Institutes of Health, the Agency for
5 Healthcare Research and Quality, and the Substance
6 Abuse and Mental Health Services Administration shall
7 be used to pay the salary of an individual, through a grant
8 or other extramural mechanism, at a rate in excess of Ex-
9 ecutive Level II.

10 SEC. 205. None of the funds appropriated in this title
11 for Head Start shall be used to pay the compensation of
12 an individual, either as direct costs or any proration as
13 an indirect cost, at a rate in excess of Executive Level
14 II.

15 SEC. 206. None of the funds appropriated in this Act
16 may be expended pursuant to section 241 of the Public
17 Health Service Act, except for funds specifically provided
18 for in this Act, or for other taps and assessments made
19 by any office located in the Department of Health and
20 Human Services, prior to the preparation and submission
21 of a report by the Secretary of Health and Human Serv-
22 ices to the Committees on Appropriations of the House
23 of Representatives and the Senate detailing the planned
24 uses of such funds.

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between an appropriation, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

1 (TRANSFER OF FUNDS)

2 SEC. 209. The Director of the National Institutes of
3 Health, jointly with the Director of the Office of AIDS
4 Research, may transfer up to 3 percent among institutes
5 and centers from the total amounts identified by these two
6 Directors as funding for research pertaining to the human
7 immunodeficiency virus: *Provided*, That the Committees
8 on Appropriations of the House of Representatives and the
9 Senate are promptly notified of the transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 210. Of the amounts made available in this Act
12 for the National Institutes of Health, the amount for re-
13 search related to the human immunodeficiency virus, as
14 jointly determined by the Director of the National Insti-
15 tutes of Health and the Director of the Office of AIDS
16 Research, shall be made available to the “Office of AIDS
17 Research” account. The Director of the Office of AIDS
18 Research shall transfer from such account amounts nec-
19 essary to carry out section 2353(d)(3) of the Public
20 Health Service Act.

21 SEC. 211. None of the funds appropriated in this Act
22 may be made available to any entity under title X of the
23 Public Health Service Act unless the applicant for the
24 award certifies to the Secretary of Health and Human
25 Services that it encourages family participation in the de-

1 cision of minors to seek family planning services and that
2 it provides counseling to minors on how to resist attempts
3 to coerce minors into engaging in sexual activities.

4 SEC. 212. None of the funds appropriated by this Act
5 (including funds appropriated to any trust fund) may be
6 used to carry out the Medicare Advantage program if the
7 Secretary of Health and Human Services denies participa-
8 tion in such program to an otherwise eligible entity (in-
9 cluding a Provider Sponsored Organization) because the
10 entity informs the Secretary that it will not provide, pay
11 for, provide coverage of, or provide referrals for abortions:
12 *Provided*, That the Secretary shall make appropriate pro-
13 spective adjustments to the capitation payment to such an
14 entity (based on an actuarially sound estimate of the ex-
15 pected costs of providing the service to such entity's enroll-
16 ees): *Provided further*, That nothing in this section shall
17 be construed to change the Medicare program's coverage
18 for such services and a Medicare Advantage organization
19 described in this section shall be responsible for informing
20 enrollees where to obtain information about all Medicare
21 covered services.

22 SEC. 213. Notwithstanding any other provision of
23 law, no provider of services under title X of the Public
24 Health Service Act shall be exempt from any State law

1 requiring notification or the reporting of child abuse, child
2 molestation, sexual abuse, rape, or incest.

3 SEC. 214. (a) Except as provided by subsection (e)
4 none of the funds appropriated by this Act may be used
5 to withhold substance abuse funding from a State pursu-
6 ant to section 1926 of the Public Health Service Act (42
7 U.S.C. 300x-26) if such State certifies to the Secretary
8 of Health and Human Services by May 1, 2007, that the
9 State will commit additional State funds, in accordance
10 with subsection (b), to ensure compliance with State laws
11 prohibiting the sale of tobacco products to individuals
12 under 18 years of age.

13 (b) The amount of funds to be committed by a State
14 under subsection (a) shall be equal to 1 percent of such
15 State's substance abuse block grant allocation for each
16 percentage point by which the State misses the retailer
17 compliance rate goal established by the Secretary of
18 Health and Human Services under section 1926 of such
19 Act.

20 (c) The State is to maintain State expenditures in
21 fiscal year 2007 for tobacco prevention programs and for
22 compliance activities at a level that is not less than the
23 level of such expenditures maintained by the State for fis-
24 cal year 2006, and adding to that level the additional
25 funds for tobacco compliance activities required under

1 subsection (a). The State is to submit a report to the Sec-
2 retary on all fiscal year 2006 State expenditures and all
3 fiscal year 2007 obligations for tobacco prevention and
4 compliance activities by program activity by July 31,
5 2007.

6 (d) The Secretary shall exercise discretion in enforce-
7 ing the timing of the State obligation of the additional
8 funds required by the certification described in subsection
9 (a) as late as July 31, 2007.

10 (e) None of the funds appropriated by this Act may
11 be used to withhold substance abuse funding pursuant to
12 section 1926 from a territory that receives less than
13 \$1,000,000.

14 SEC. 215. In order for the Centers for Disease Con-
15 trol and Prevention to carry out international health ac-
16 tivities, including HIV/AIDS and other infectious disease,
17 chronic and environmental disease, and other health ac-
18 tivities abroad during fiscal year 2007:

19 (1) The Secretary of Health and Human Serv-
20 ices (HHS) may exercise authority equivalent to that
21 available to the Secretary of State in section 2(c) of
22 the State Department Basic Authorities Act of 1956
23 (22 U.S.C. 2669(c)). The Secretary of HHS shall
24 consult with the Secretary of State and relevant
25 Chief of Mission to ensure that the authority pro-

1 vided in this section is exercised in a manner con-
2 sistent with section 207 of the Foreign Service Act
3 of 1980 (22 U.S.C. 3927) and other applicable stat-
4 utes administered by the Department of State.

5 (2) The Secretary of HHS is authorized to pro-
6 vide such funds by advance or reimbursement to the
7 Secretary of State as may be necessary to pay the
8 costs of acquisition, lease, alteration, renovation, and
9 management of facilities outside of the United
10 States for the use of HHS. The Department of
11 State shall cooperate fully with the Secretary of
12 HHS to ensure that HHS has secure, safe, func-
13 tional facilities that comply with applicable regula-
14 tion governing location, setback, and other facilities
15 requirements and serve the purposes established by
16 this Act. The Secretary of HHS is authorized, in
17 consultation with the Secretary of State, through
18 grant or cooperative agreement, to make available to
19 public or nonprofit private institutions or agencies in
20 participating foreign countries, funds to acquire,
21 lease, alter, or renovate facilities in those countries
22 as necessary to conduct programs of assistance for
23 international health activities, including activities re-
24 lating to HIV/AIDS and other infectious diseases,

1 chronic and environmental diseases, and other health
2 activities abroad.

3 SEC. 216. (a) AUTHORITY.—Notwithstanding any
4 other provision of law, the Director of the National Insti-
5 tutes of Health may use funds available under section
6 402(i) of the Public Health Service Act (42 U.S.C. 282(i))
7 to enter into transactions (other than contracts, coopera-
8 tive agreements, or grants) to carry out research in sup-
9 port of the NIH Roadmap for Medical Research.

10 (b) PEER REVIEW.—In entering into transactions
11 under subsection (a), the Director of the National Insti-
12 tutes of Health may utilize such peer review procedures
13 (including consultation with appropriate scientific experts)
14 as the Director determines to be appropriate to obtain as-
15 sessments of scientific and technical merit. Such proce-
16 dures shall apply to such transactions in lieu of the peer
17 review and advisory council review procedures that would
18 otherwise be required under sections 301(a)(3),
19 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of
20 the Public Health Service Act (42 U.S.C. 241,
21 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

22 SEC. 217. Funds which are available for Individual
23 Learning Accounts for employees of the Centers for Dis-
24 ease Control and Prevention (CDC) and the Agency for
25 Toxic Substances and Disease Registry (ATSDR) may be

1 transferred to “Disease Control, Research, and Training,”
2 to be available only for Individual Learning Accounts: *Pro-*
3 *vided*, That such funds may be used for any individual
4 full-time equivalent employee while such employee is em-
5 ployed either by CDC or ATSDR.

6 SEC. 218. (a) For fiscal year 2007 and subject to
7 subsection (b), the Secretary of Health and Human Serv-
8 ices may waive the requirements of regulations promul-
9 gated under the Head Start Act (42 U.S.C. 9831 et seq.),
10 for one or more vehicles used by a Head Start agency or
11 an Early Head Start entity (or the designee of either) in
12 transporting children enrolled in a Head Start program
13 or an Early Head Start program if—

14 (1) such requirements pertain to child restraint
15 systems or vehicle monitors;

16 (2) the agency or entity demonstrates that com-
17 pliance with such requirements will result in a sig-
18 nificant disruption to the Head Start program or the
19 Early Head Start program; and

20 (3) waiving such requirements is in the best in-
21 terest of the children involved.

22 (b) The Secretary of Health and Human Services
23 may not issue any waiver under subsection (a) after Sep-
24 tember 30, 2007, or the date of the enactment of a statute

1 that authorizes appropriations for fiscal year 2007 to
2 carry out the Head Start Act, whichever date is earlier.

3 SEC. 219. In addition to any other amounts available
4 for such travel, and notwithstanding any other provision
5 of law, amounts available from this or any other appro-
6 priation for the purchase, hire, maintenance, or operation
7 of aircraft by the Centers for Disease Control and Preven-
8 tion may be used to provide travel on such aircraft by the
9 Secretary of Health and Human Services, the Director of
10 the Centers for Disease Control and Prevention, and em-
11 ployees of the Department of Health and Human Services
12 accompanying the Secretary or the Director during such
13 travel.

14 SEC. 220. The Director of the National Institutes of
15 Health (NIH) shall require that all investigators funded
16 by the NIH submit an electronic version of their final,
17 peer-reviewed manuscripts upon acceptance for publica-
18 tion to the NIH National Library of Medicine's PubMed
19 Central as soon as practicable but no later than 12 months
20 after the official date of publication.

21 SEC. 221. None of the funds made available in this
22 Act may be used to phase down or reduce below 6 percent
23 the rate of health-care related tax or taxes for a health
24 care class permitted under section 433.68(f)(3) of title 42,

1 Code of Federal Regulations as a percentage of the reve-
2 nues received by the taxpayer.

3 TITLE III—DEPARTMENT OF EDUCATION

4 EDUCATION FOR THE DISADVANTAGED

5 For carrying out title I of the Elementary and Sec-
6 ondary Education Act of 1965 (ESEA) and section 418A
7 of the Higher Education Act of 1965, \$14,652,541,000,
8 of which \$7,099,907,000 shall become available on July
9 1, 2007, and shall remain available through September 30,
10 2008, and of which \$7,383,301,000 shall become available
11 on October 1, 2007, and shall remain available through
12 September 30, 2008 for academic year 2007–2008: *Pro-*
13 *vided*, That \$6,808,408,000 shall be for basic grants
14 under section 1124 of ESEA: *Provided further*, That up
15 to \$3,472,000 of these funds shall be available to the Sec-
16 retary of Education on October 1, 2006, to obtain annu-
17 ally updated educational-agency-level census poverty data
18 from the Bureau of the Census: *Provided further*, That
19 \$1,365,031,000 shall be for concentration grants under
20 section 1124A of ESEA: *Provided further*, That
21 \$2,269,843,000 shall be for targeted grants under section
22 1125 of ESEA: *Provided further*, That \$2,269,843,000
23 shall be for education finance incentive grants under sec-
24 tion 1125A of ESEA: *Provided further*, That \$9,330,000
25 shall be to carry out sections 1501 and 1503: *Provided*

1 *further*, That \$3,000,000 shall be available for section
2 1608 of the ESEA, of which \$1,537,000 shall be available
3 for a continuation award for the comprehensive school re-
4 form clearinghouse previously funded under the heading
5 “Innovation and Improvement” in title III of division F
6 of Public Law 108–447.

7 IMPACT AID

8 For carrying out programs of financial assistance to
9 federally affected schools authorized by title VIII of the
10 Elementary and Secondary Education Act of 1965,
11 \$1,228,453,000, of which \$1,091,867,000 shall be for
12 basic support payments under section 8003(b) of such
13 Act, \$49,466,000 shall be for payments for children with
14 disabilities under section 8003(d) of such Act,
15 \$17,820,000 shall be for construction under section
16 8007(a) of such Act, \$64,350,000 shall be for Federal
17 property payments under section 8002 of such Act, and
18 \$4,950,000, to remain available until expended, shall be
19 for facilities maintenance under section 8008 of such Act:
20 *Provided*, That for purposes of computing the amount of
21 a payment for an eligible local educational agency under
22 section 8003(a) of such Act for school year 2006–2007,
23 children enrolled in a school of such agency that would
24 otherwise be eligible for payment under section
25 8003(a)(1)(B) of such Act, but due to the deployment of

1 both parents or legal guardians, or a parent or legal
2 guardian having sole custody of such children, or due to
3 the death of a military parent or legal guardian while on
4 active duty (so long as such children reside on Federal
5 property as described in section 8003(a)(1)(B) of such
6 Act), are no longer eligible under such section, shall be
7 considered as eligible students under such section, pro-
8 vided such students remain in average daily attendance
9 at a school in the same local educational agency they at-
10 tended prior to their change in eligibility status.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
13 thorized by title II, part B of title IV, part A and subpart
14 9 of part D of title V, parts A and B of title VI, and
15 parts B and C of title VII of the Elementary and Sec-
16 ondary Education Act of 1965 (ESEA); the McKinney-
17 Vento Homeless Assistance Act; section 203 of the Edu-
18 cational Technical Assistance Act of 2002; the Compact
19 of Free Association Amendments Act of 2003; and the
20 Civil Rights Act of 1964, \$4,764,559,000, of which
21 \$3,296,518,000 shall become available on July 1, 2007,
22 and remain available through September 30, 2008, and
23 of which \$1,285,000,000 shall become available on Octo-
24 ber 1, 2007, and shall remain available through September
25 30, 2008, for academic year 2007–2008: *Provided*, That

1 \$407,563,000 shall be for State assessments and related
2 activities authorized under sections 6111 and 6112 of
3 ESEA: *Provided further*, That \$56,257,000 shall be avail-
4 able to carry out section 203 of the Educational Technical
5 Assistance Act of 2002: *Provided further*, That
6 \$21,780,000 shall be available to carry out part D of title
7 V of ESEA: *Provided further*, That no funds appropriated
8 under this heading may be used to carry out section 5494
9 under ESEA: *Provided further*, That \$18,001,000 shall be
10 available to carry out the Supplemental Education Grants
11 program for the Federated States of Micronesia and for
12 the Republic of the Marshall Islands: *Provided further*,
13 That up to 5 percent of these amounts may be reserved
14 by the Federated States of Micronesia and the Republic
15 of the Marshall Islands to administer the Supplemental
16 Education Grants programs and to obtain technical assist-
17 ance, oversight, and consultancy services in the adminis-
18 tration of these grants and to reimburse the United States
19 Departments of Labor, Health and Human Services, and
20 Education for such services.

21 INDIAN EDUCATION

22 For expenses necessary to carry out, to the extent
23 not otherwise provided, title VII, part A of the Elementary
24 and Secondary Education Act of 1965, \$118,690,000.

1 INNOVATION AND IMPROVEMENT

2 For carrying out activities authorized by part G of
3 title I, subpart 5 of part A and part C of title II, and
4 parts B, C, and D of title V of the Elementary and Sec-
5 ondary Education Act of 1965 (ESEA), \$911,413,000, of
6 which \$94,050,000 shall become available on July 1, 2007
7 and remain available until September 30, 2008: *Provided*,
8 That \$18,695,000 shall be available to carry out section
9 2151(c) of ESEA, of which not less than \$10,695,000
10 shall be provided to the National Board for Professional
11 Teaching Standards, and not less than \$8,000,000 shall
12 be provided to the American Board for the Certification
13 of Teacher Excellence: *Provided further*, That from funds
14 for subpart 4, part C of title II, up to 3 percent shall
15 be available to the Secretary for technical assistance and
16 dissemination of information: *Provided further*, That
17 \$36,611,000 shall be for subpart 2 of part B of title V:
18 *Provided further*, That for a participant to receive a sti-
19 pend or bonus under section 2304 of ESEA, the full-time
20 employment required by section 2304(a)(1)(B) or section
21 2304(d)(1), respectively, need not be with a “high-need”
22 school if it is with a school receiving funds under part A
23 of title I of ESEA: *Provided further*, That \$282,962,000
24 shall be available to carry out part D of title V of ESEA,
25 of which \$99,000,000 of the funds for subpart 1 shall be

1 for competitive grants to local educational agencies, in-
2 cluding charter schools that are local educational agencies,
3 or States, or partnerships of (1) a local educational agen-
4 cy, a State, or both and (2) at least one non-profit organi-
5 zation to develop and implement performance-based teach-
6 er and principal compensation systems in high-need
7 schools: *Provided further*, That such performance-based
8 compensation systems must consider gains in student aca-
9 demic achievement as well as classroom evaluations con-
10 ducted multiple times during each school year among
11 other factors and provide educators with incentives to take
12 on additional responsibilities and leadership roles: *Pro-*
13 *vided further*, That 5 percent of such funds for competitive
14 grants shall become available on October 1, 2006, for tech-
15 nical assistance, training, peer review of applications, pro-
16 gram outreach, and evaluation activities and that 95 per-
17 cent shall become available on July 1, 2007, and remain
18 available through September 30, 2008, for competitive
19 grants: *Provided further*, That \$78,962,000 of the funds
20 for subpart 1, part D of title V of ESEA shall be available
21 for noncompetitive grants, with terms and conditions and
22 in the amounts specified in the committee report of the
23 House of Representatives accompanying this Act.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II, part A of title IV, and subparts 2,
4 3, and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965 (ESEA), \$623,627,000, of
6 which \$310,000,000 shall become available on July 1,
7 2007 and remain available through September 30, 2008:
8 *Provided*, That \$310,000,000 shall be available for sub-
9 part 1 of part A of title IV of ESEA and \$215,992,000
10 shall be available for subpart 2 of part A of title IV of
11 ESEA, of which \$5,000,000, to remain available until ex-
12 pended, shall be for the Project School Emergency Re-
13 sponse to Violence program to provide education-related
14 services to local educational agencies in which the learning
15 environment has been disrupted due to a violent or trau-
16 matic crisis: *Provided further*, That \$72,635,000 shall be
17 available to carry out part D of title V of ESEA.

18 ENGLISH LANGUAGE ACQUISITION

19 For carrying out part A of title III of the Elementary
20 and Secondary Education Act of 1965, \$669,007,000,
21 which shall become available on July 1, 2007, and shall
22 remain available through September 30, 2008, except that
23 6.5 percent of such amount shall be available on October
24 1, 2006, and shall remain available through September 30,

1 2008, to carry out activities under section 3111(c)(1)(C)
2 of such Act.

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (20 U.S.C. 1400 et seq.), \$11,753,013,000,
6 of which \$5,526,058,000 shall become available on July
7 1, 2007, and shall remain available through September 30,
8 2008, and of which \$6,024,200,000 shall become available
9 on October 1, 2007, and shall remain available through
10 September 30, 2008, for academic year 2007–2008: *Pro-*
11 *vided*, That \$11,880,000 shall be for Recording for the
12 Blind and Dyslexic, Inc., to support the development, pro-
13 duction, and circulation of recorded educational materials:
14 *Provided further*, That the amount for section 611(b)(2)
15 of such Act shall be equal to the lesser of the amount
16 available for that activity during fiscal year 2006, in-
17 creased by the amount of inflation as specified in section
18 619(d)(2)(B) of the Act or the percentage increase in the
19 funds appropriated under section 611(i) of such Act.

20 REHABILITATION SERVICES AND DISABILITY RESEARCH

21 For carrying out, to the extent not otherwise pro-
22 vided, the Rehabilitation Act of 1973 (29 U.S.C. 701 et
23 seq.), the Assistive Technology Act of 1998 (29 U.S.C.
24 3001 et seq.), and the Helen Keller National Center Act
25 (29 U.S.C. 1901 et seq.), \$3,244,247,000: *Provided*, That

1 \$1,735,000 of the funds for section 303 of the Rehabilita-
2 tion Act of 1973 shall be available for noncompetitive
3 grants, with terms and conditions and in the amounts
4 specified in the committee report of the House of Rep-
5 resentatives accompanying this Act.

6 SPECIAL INSTITUTIONS FOR PERSONS WITH
7 DISABILITIES

8 AMERICAN PRINTING HOUSE FOR THE BLIND

9 For carrying out the Act of March 3, 1879 (20
10 U.S.C. 101 et seq.), \$18,000,000.

11 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

12 For the National Technical Institute for the Deaf
13 under titles I and II of the Education of the Deaf Act
14 of 1986 (20 U.S.C. 4301 et seq.), \$57,000,000: *Provided*,
15 That from the total amount available, the Institute may
16 at its discretion use funds for the endowment program as
17 authorized under section 207 of such Act.

18 GALLAUDET UNIVERSITY

19 For the Kendall Demonstration Elementary School,
20 the Model Secondary School for the Deaf, and the partial
21 support of Gallaudet University under titles I and II of
22 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
23 et seq.), \$110,500,000: *Provided*, That from the total
24 amount available, the University may at its discretion use

1 funds for the endowment program as authorized under
2 section 207 of such Act.

3 VOCATIONAL AND ADULT EDUCATION

4 For carrying out, to the extent not otherwise pro-
5 vided, the Carl D. Perkins Vocational and Technical Edu-
6 cation Act of 1998, the Adult Education and Family Lit-
7 eracy Act, subpart 4 of part D of title V of the Elementary
8 and Secondary Education Act of 1965 (ESEA),
9 \$1,925,858,000, of which \$1,132,358,000 shall become
10 available on July 1, 2007, and shall remain available
11 through September 30, 2008, and of which \$791,000,000
12 shall become available on October 1, 2007, and shall re-
13 main available through September 30, 2008: *Provided*,
14 That of the amount provided for Adult Education State
15 Grants, \$67,896,000 shall be made available for inte-
16 grated English literacy and civics education services to im-
17 migrants and other limited English proficient populations:
18 *Provided further*, That of the amount reserved for inte-
19 grated English literacy and civics education, notwith-
20 standing section 211 of the Adult Education and Family
21 Literacy Act, 65 percent shall be allocated to States based
22 on a State's absolute need as determined by calculating
23 each State's share of a 10-year average of the United
24 States Citizenship and Immigration Services data for im-
25 migrants admitted for legal permanent residence for the

1 10 most recent years, and 35 percent allocated to States
2 that experienced growth as measured by the average of
3 the 3 most recent years for which United States Citizen-
4 ship and Immigration Services data for immigrants admit-
5 ted for legal permanent residence are available, except
6 that no State shall be allocated an amount less than
7 \$60,000: *Provided further*, That of the amounts made
8 available for the Adult Education and Family Literacy
9 Act, \$9,005,000 shall be for national leadership activities
10 under section 243 of such Act and \$6,572,000 shall be
11 for the National Institute for Literacy under section 242
12 of such Act: *Provided further*, That \$50,000,000 shall be
13 available to support the activities authorized under sub-
14 part 4 of part D of title V of the Elementary and Sec-
15 ondary Education Act of 1965, of which up to 5 percent
16 shall become available October 1, 2006, and shall remain
17 available through September 30, 2008, for evaluation,
18 technical assistance, school networks, peer review of appli-
19 cations, and program outreach activities, and of which not
20 less than 95 percent shall become available on July 1,
21 2007, and remain available through September 30, 2008,
22 for grants to local educational agencies: *Provided further*,
23 That funds made available to local educational agencies
24 under this subpart shall be used only for activities related
25 to establishing smaller learning communities within large

1 high schools or small high schools that provide alternatives
2 for students enrolled in large high schools.

3 STUDENT FINANCIAL ASSISTANCE

4 For carrying out subparts 1, 3, and 4 of part A, part
5 C, and part E of title IV of the Higher Education Act
6 of 1965, \$14,890,745,000, which shall remain available
7 through September 30, 2008.

8 The maximum Pell Grant for which a student shall
9 be eligible during award year 2007–2008 shall be \$4,150.

10 STUDENT AID ADMINISTRATION

11 For Federal administrative expenses to carry out part
12 D of title I, and subparts 1, 3, and 4 of part A, and parts
13 B, C, D, and E of title IV of the Higher Education Act
14 of 1965, \$713,720,000, to remain available until ex-
15 pended.

16 HIGHER EDUCATION

17 For carrying out, to the extent not otherwise pro-
18 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
19 cation Act of 1965 (HEA), section 1543 of the Higher
20 Education Amendments of 1992, the Mutual Educational
21 and Cultural Exchange Act of 1961, title VIII of the
22 Higher Education Amendments of 1998, and section 117
23 of the Carl D. Perkins Vocational and Technical Edu-
24 cation Act, \$1,964,203,000: *Provided*, That \$9,699,000,
25 to remain available through September 30, 2008, shall be

1 available to fund fellowships for academic year 2008–2009
2 under subpart 1 of part A of title VII of the HEA, under
3 the terms and conditions of such subpart 1: *Provided fur-*
4 *ther*, That notwithstanding any other provision of law or
5 any regulation, the Secretary of Education shall not re-
6 quire the use of a restricted indirect cost rate for grants
7 issued pursuant to section 117 of the Carl D. Perkins Vo-
8 cational and Technical Education Act of 1998: *Provided*
9 *further*, That \$970,000 is for data collection and evalua-
10 tion activities for programs under the HEA, including
11 such activities needed to comply with the Government Per-
12 formance and Results Act of 1993: *Provided further*, That
13 notwithstanding any other provision of law, funds made
14 available in this Act to carry out title VI of the HEA and
15 section 102(b)(6) of the Mutual Educational and Cultural
16 Exchange Act of 1961 may be used to support visits and
17 study in foreign countries by individuals who are partici-
18 pating in advanced foreign language training and inter-
19 national studies in areas that are vital to United States
20 national security and who plan to apply their language
21 skills and knowledge of these countries in the fields of gov-
22 ernment, the professions, or international development:
23 *Provided further*, That of the funds referred to in the pre-
24 ceding proviso, up to 1 percent may be used for program
25 evaluation, national outreach, and information dissemina-

tion activities: *Provided further*, That \$90,115,000 shall be available for part B of title VII of the HEA, of which \$68,126,000 shall be available for the projects and in the amounts specified in the report of the Committee on Appropriations of the House of Representatives accompanying this Act: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$237,392,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM ACCOUNT

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended \$486,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY

CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of the Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost,

1 as defined in section 502 of the Congressional Budget Act
2 of 1974, of such bonds shall not exceed zero.

3 For administrative expenses to carry out the Histori-
4 cally Black College and University Capital Financing Pro-
5 gram entered into pursuant to part D of title III of the
6 Higher Education Act of 1965, \$190,000.

7 INSTITUTE OF EDUCATION SCIENCES

8 For carrying out activities authorized by the Edu-
9 cation Sciences Reform Act of 2002 the National Assess-
10 ment of Educational Progress Authorization Act, section
11 208 of the Educational Technical Assistance Act of 2002,
12 and section 664 of the Individuals with Disabilities Edu-
13 cation Act, \$534,916,000, of which \$279,292,000 shall re-
14 main available until September 30, 2008.

15 DEPARTMENTAL MANAGEMENT

16 PROGRAM ADMINISTRATION

17 For carrying out, to the extent not otherwise pro-
18 vided, the Department of Education Organization Act, in-
19 cluding rental of conference rooms in the District of Co-
20 lumbia and hire of three passenger motor vehicles,
21 \$423,916,000, of which \$2,500,000, to remain available
22 until expended, shall be for building alterations and re-
23 lated expenses for the move of Department staff to the
24 Mary E. Switzer building in Washington, D.C.

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, as authorized by section 203 of the Department
4 of Education Organization Act, \$92,866,000.

5 OFFICE OF THE INSPECTOR GENERAL

6 For expenses necessary for the Office of the Inspector
7 General, as authorized by section 212 of the Department
8 of Education Organization Act, \$51,000,000.

9 ADMINISTRATIVE PROVISIONS

10 SEC. 301. No funds appropriated in this Act may be
11 used for the transportation of students or teachers (or for
12 the purchase of equipment for such transportation) in
13 order to overcome racial imbalance in any school or school
14 system, or for the transportation of students or teachers
15 (or for the purchase of equipment for such transportation)
16 in order to carry out a plan of racial desegregation of any
17 school or school system.

18 SEC. 302. None of the funds contained in this Act
19 shall be used to require, directly or indirectly, the trans-
20 portation of any student to a school other than the school
21 which is nearest the student's home, except for a student
22 requiring special education, to the school offering such
23 special education, in order to comply with title VI of the
24 Civil Rights Act of 1964. For the purpose of this section
25 an indirect requirement of transportation of students in-

1 cludes the transportation of students to carry out a plan
2 involving the reorganization of the grade structure of
3 schools; the pairing of schools; or the clustering of schools;
4 or any combination of grade restructuring, pairing, or
5 clustering. The prohibition described in this section does
6 not include the establishment of magnet schools.

7 SEC. 303. No funds appropriated in this Act may be
8 used to prevent the implementation of programs of vol-
9 untary prayer and meditation in the public schools.

10 (TRANSFER OF FUNDS)

11 SEC. 304. Not to exceed 1 percent of any discre-
12 tionary funds (pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985) which are appro-
14 priated for the current fiscal year for the Department of
15 Education in this Act may be transferred between an ap-
16 propriation, but no such appropriation shall be increased
17 by more than 3 percent by any such transfer: *Provided*,
18 That an appropriation may be increased by up to an addi-
19 tional 2 percent subject to approval by the Committees
20 on Appropriations of the House of Representatives and the
21 Senate: *Provided further*, That the transfer authority
22 granted by this section shall be available only to meet un-
23 anticipated needs and shall not be used to create any new
24 program or to fund any project or activity for which no
25 funds are provided in this Act: *Provided further*, That the

1 Committees on Appropriations are notified at least 15
2 days in advance of any transfer.

3 SEC. 305. None of the funds appropriated or other-
4 wise made available in this Act to the Department of Edu-
5 cation may be expended in contravention of section 505
6 of the Illegal Immigration Reform and Immigrant Respon-
7 sibility Act of 1996 (8 U.S.C. 1623).

8 TITLE IV—RELATED AGENCIES

9 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

10 BLIND OR SEVERELY DISABLED

11 SALARIES AND EXPENSES

12 For expenses necessary of the Committee for Pur-
13 chase From People Who Are Blind or Severely Disabled
14 established by Public Law 92–28, \$4,995,000.

15 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

16 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING

17 EXPENSES

18 For expenses necessary for the Corporation for Na-
19 tional and Community Service to carry out the provisions
20 of the Domestic Volunteer Service Act of 1973,
21 \$313,050,000: *Provided*, That none of the funds made
22 available to the Corporation for National and Community
23 Service in this Act for activities authorized by section 122
24 of part C of title I and part E of title II of the Domestic
25 Volunteer Service Act of 1973 shall be used to provide

1 stipends or other monetary incentives to volunteers or vol-
2 unteer leaders whose incomes exceed 125 percent of the
3 national poverty level.

4 NATIONAL AND COMMUNITY SERVICE PROGRAMS,
5 OPERATING EXPENSES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for the Corporation for Na-
8 tional and Community Service (the Corporation) in car-
9 rying out programs, activities, and initiatives under the
10 National and Community Service Act of 1990 (the Act)
11 (42 U.S.C. 12501 et seq.), \$437,457,000, to remain avail-
12 able until September 30, 2008: *Provided*, That not more
13 than \$218,060,000 of the amount provided under this
14 heading shall be available for grants under the National
15 Service Trust Program authorized under subtitle C of title
16 I of the Act (42 U.S.C. 12571 et seq.) (relating to activi-
17 ties of the AmeriCorps program), including grants to orga-
18 nizations operating projects under the AmeriCorps Edu-
19 cation Awards Program (without regard to the require-
20 ments of sections 121(d) and (e), 131(e), 132, and 140(a),
21 (d), and (e) of the Act): *Provided further*, That not less
22 than \$124,720,000 of the amount provided under this
23 heading, to remain available without fiscal year limitation,
24 shall be transferred to the National Service Trust for edu-
25 cational awards authorized under subtitle D of title I of

1 the Act (42 U.S.C. 12601): *Provided further*, That in addi-
2 tion to amounts otherwise provided to the National Service
3 Trust under the second proviso, the Corporation may
4 transfer funds from the amount provided under the first
5 proviso, to the National Service Trust authorized under
6 subtitle D of title I of the Act (42 U.S.C. 12601) upon
7 determination that such transfer is necessary to support
8 the activities of national service participants and after no-
9 tice is transmitted to Congress: *Provided further*, That of
10 the amount provided under this heading for grants under
11 the National Service Trust program authorized under sub-
12 title C of title I of the Act, not more than \$55,000,000
13 may be used to administer, reimburse, or support any na-
14 tional service program authorized under section 121(d)(2)
15 of such Act (42 U.S.C. 12581(d)(2)): *Provided further*,
16 That not more than \$3,966,000 shall be available for qual-
17 ity and innovation activities authorized under subtitle H
18 of title I of the Act (42 U.S.C. 12853 et seq.): *Provided*
19 *further*, That notwithstanding subtitle H of title I of the
20 Act (42 U.S.C. 12853), none of the funds provided under
21 the previous proviso shall be used to support salaries and
22 related expenses (including travel) attributable to Cor-
23 poration employees: *Provided further*, That to the max-
24 imum extent feasible, funds appropriated under subtitle
25 C of title I of the Act shall be provided in a manner that

1 is consistent with the recommendations of peer review
2 panels in order to ensure that priority is given to programs
3 that demonstrate quality, innovation, replicability, and
4 sustainability: *Provided further*, That \$26,730,000 of the
5 funds made available under this heading shall be available
6 for the National Civilian Community Corps authorized
7 under subtitle E of title I of the Act (42 U.S.C. 12611
8 et seq.): *Provided further*, That \$34,155,000 shall be avail-
9 able for school-based and community-based service-learn-
10 ing programs authorized under subtitle B of title I of the
11 Act (42 U.S.C. 12521 et seq.): *Provided further*, That
12 \$2,460,000 shall be available for audits and other evalua-
13 tions authorized under section 179 of the Act (42 U.S.C.
14 12639): *Provided further*, That \$9,900,000 of the funds
15 made available under this heading shall be made available
16 for the Points of Light Foundation for activities author-
17 ized under title III of the Act (42 U.S.C. 12661 et seq.),
18 of which not more than \$2,500,000 may be used to sup-
19 port an endowment fund, the corpus of which shall remain
20 intact and the interest income from which shall be used
21 to support activities described in title III of the Act, pro-
22 vided that the Foundation may invest the corpus and in-
23 come in federally insured bank savings accounts or com-
24 parable interest bearing accounts, certificates of deposit,
25 money market funds, mutual funds, obligations of the

1 United States, and other market instruments and securi-
2 ties but not in real estate investments: *Provided further*,
3 That no funds shall be available for national service pro-
4 grams run by Federal agencies authorized under section
5 121(b) of such Act (42 U.S.C. 12571(b)): *Provided fur-*
6 *ther*, That \$4,950,000 of the funds made available under
7 this heading shall be made available to America's Prom-
8 ise—The Alliance for Youth, Inc.: *Provided further*, That
9 to the maximum extent practicable, the Corporation shall
10 increase significantly the level of matching funds and in-
11 kind contributions provided by the private sector, and
12 shall reduce the total Federal costs per participant in all
13 programs: *Provided further*, That notwithstanding section
14 501(a)(4) of the Act, of the funds provided under this
15 heading, not more than \$12,516,000 shall be made avail-
16 able to provide assistance to State commissions on na-
17 tional and community service under section 126(a) of the
18 Act: *Provided further*, That the Corporation may use up
19 to 1 percent of program grant funds made available under
20 this heading to defray its costs of conducting grant appli-
21 cation reviews, including the use of outside peer reviewers.

22 SALARIES AND EXPENSES

23 For necessary expenses of administration as provided
24 under section 501(a)(4) of the National and Community
25 Service Act of 1990 (42 U.S.C. 12501 et seq.) and under

1 section 504(a) of the Domestic Volunteer Service Act of
2 1973, including payment of salaries, authorized travel,
3 hire of passenger motor vehicles, the rental of conference
4 rooms in the District of Columbia, the employment of ex-
5 perts and consultants authorized under section 3109 of
6 title 5, United States Code, and not to exceed \$2,500 for
7 official reception and representation expenses,
8 \$67,483,000.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the Inspector General Act of 1978,
12 \$4,950,000, to remain available until September 30, 2007.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 401. Notwithstanding any other provision of
15 law, the term “qualified student loan” with respect to na-
16 tional service education awards shall mean any loan deter-
17 mined by an institution of higher education to be nec-
18 essary to cover a student’s cost of attendance at such in-
19 stitution and made, insured, or guaranteed directly to a
20 student by a State agency, in addition to other meanings
21 under section 148(b)(7) of the National and Community
22 Service Act.

23 SEC. 402. Notwithstanding any other provision of
24 law, funds made available under section 129(d)(5)(B) of
25 the National and Community Service Act to assist entities

1 in placing applicants who are individuals with disabilities
2 may be provided to any entity that receives a grant under
3 section 121 of the Act.

4 SEC. 403. The Inspector General of the Corporation
5 for National and Community Service shall conduct ran-
6 dom audits of the grantees that administer activities under
7 the AmeriCorps programs and shall levy sanctions in ac-
8 cordance with standard Inspector General audit resolution
9 procedures which include, but are not limited to, debar-
10 ment of any grantee (or successor in interest or any entity
11 with substantially the same person or persons in control)
12 that has been determined to have committed any substan-
13 tial violations of the requirements of the AmeriCorps pro-
14 grams, including any grantee that has been determined
15 to have violated the prohibition of using Federal funds to
16 lobby the Congress: *Provided*, That the Inspector General
17 shall obtain reimbursements in the amount of any misused
18 funds from any grantee that has been determined to have
19 committed any substantial violations of the requirements
20 of the AmeriCorps programs.

21 SEC. 404. For fiscal year 2007, the Corporation for
22 National and Community Service shall make any signifi-
23 cant changes to program requirements or policy only
24 through public notice and comment rulemaking. For fiscal
25 year 2007, during any grant selection process, no officer

1 or employee of the Corporation shall knowingly disclose
2 any covered grant selection information regarding such se-
3 lection, directly or indirectly, to any person other than an
4 officer or employee of the Corporation that is authorized
5 by the Corporation to receive such information.

6 SEC. 405. None of the funds made available to the
7 Corporation for National and Community Service may be
8 used to pay a Segal or other educational award in excess
9 of the maximum Pell Grant award as defined in title III
10 of this Act.

11 CORPORATION FOR PUBLIC BROADCASTING

12 Of the amounts made available to the Corporation for
13 Public Broadcasting for fiscal year 2007 by Public Law
14 108–447, not to exceed \$38,000,000 is available for
15 grants associated with the transition of public broad-
16 casters to digital broadcasting, to be awarded as deter-
17 mined by the Corporation in consultation with public
18 broadcasting licensees or permittees, or their designated
19 representatives; and not to exceed \$36,000,000 is avail-
20 able pursuant to section 396(k)(10) of the Communica-
21 tions Act of 1934 for replacement and upgrade of the pub-
22 lic television interconnection system: *Provided*, That sec-
23 tion 396(k)(3) of the Act shall apply only to amounts re-
24 maining after the allocations made herein.

HR 5647 RH

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission (30 U.S.C. 801 et seq.),
6 \$7,731,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

9 AND ADMINISTRATION

10 For carrying out the Museum and Library Services
11 Act (20 U.S.C. 961 et seq.), and the National Museum
12 of African American History and Culture Act (20 U.S.C.
13 80r et seq.), \$280,415,000, of which \$18,175,000 shall
14 be available for noncompetitive grants under the terms
15 and conditions and in the amounts specified in the com-
16 mittee report of the House of Representatives accom-
17 panying this Act, to remain available until expended.

18 MEDICARE PAYMENT ADVISORY COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary to carry out section 1805 of
21 the Social Security Act, \$10,457,000, to be transferred to
22 this appropriation from the Federal Hospital Insurance
23 and the Federal Supplementary Medical Insurance Trust
24 Funds.

1 NATIONAL COMMISSION ON LIBRARIES AND
2 INFORMATION SCIENCE
3 SALARIES AND EXPENSES

4 For necessary expenses for the National Commission
5 on Libraries and Information Science, established by the
6 Act of July 20, 1970 (Public Law 91–345, as amended),
7 \$983,000.

8 NATIONAL COUNCIL ON DISABILITY
9 SALARIES AND EXPENSES

10 For expenses necessary for the National Council on
11 Disability as authorized by title IV of the Rehabilitation
12 Act of 1973, \$3,180,000.

13 NATIONAL LABOR RELATIONS BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the National Labor Rela-
16 tions Board to carry out the functions vested in it by the
17 Labor-Management Relations Act, 1947 (29 U.S.C. 141–
18 167), and other laws, \$249,789,000: *Provided*, That no
19 part of this appropriation shall be available to organize
20 or assist in organizing agricultural laborers or used in con-
21 nection with investigations, hearings, directives, or orders
22 concerning bargaining units composed of agricultural la-
23 borers as referred to in section 2(3) of the Act of July
24 5, 1935 (29 U.S.C. 152), and as amended by the Labor-
25 Management Relations Act, 1947 and as defined in section

1 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and
2 including in such definition employees engaged in the
3 maintenance and operation of ditches, canals, reservoirs,
4 and waterways when maintained or operated on a mutual,
5 nonprofit basis and at least 95 percent of the water stored
6 or supplied thereby is used for farming purposes.

7 NATIONAL MEDIATION BOARD

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out the provisions
10 of the Railway Labor Act (45 U.S.C. 151–188), including
11 emergency boards appointed by the President,
12 \$11,749,000.

13 OCCUPATIONAL SAFETY AND HEALTH REVIEW

14 COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Occupational Safety
17 and Health Review Commission (29 U.S.C. 661),
18 \$10,510,000.

19 RAILROAD RETIREMENT BOARD

20 DUAL BENEFITS PAYMENTS ACCOUNT

21 For payment to the Dual Benefits Payments Ac-
22 count, authorized under section 15(d) of the Railroad Re-
23 tirement Act of 1974, \$88,000,000, which shall include
24 amounts becoming available in fiscal year 2007 pursuant
25 to section 224(c)(1)(B) of Public Law 98–76; and in addi-

tion, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$88,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2008, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$103,518,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General for audit, investigatory and review activities, as
4 authorized by the Inspector General Act of 1978, not more
5 than \$7,606,000, to be derived from the railroad retire-
6 ment accounts and railroad unemployment insurance ac-
7 count: *Provided*, That none of the funds made available
8 in any other paragraph of this Act may be transferred to
9 the Office; used to carry out any such transfer; used to
10 provide any office space, equipment, office supplies, com-
11 munications facilities or services, maintenance services, or
12 administrative services for the Office; used to pay any sal-
13 ary, benefit, or award for any personnel of the Office; used
14 to pay any other operating expense of the Office; or used
15 to reimburse the Office for any service provided, or ex-
16 pense incurred, by the Office.

17 SOCIAL SECURITY ADMINISTRATION

18 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

19 For payment to the Federal Old-Age and Survivors
20 Insurance and the Federal Disability Insurance trust
21 funds, as provided under sections 201(m), 217(g), 228(g),
22 and 1131(b)(2) of the Social Security Act, \$27,756,000.

23 SUPPLEMENTAL SECURITY INCOME PROGRAM

24 For carrying out titles XI and XVI of the Social Se-
25 curity Act, section 401 of Public Law 92–603, section 212

1 of Public Law 93–66, as amended, and section 405 of
2 Public Law 95–216, including payment to the Social Secu-
3 rity trust funds for administrative expenses incurred pur-
4 suant to section 201(g)(1) of the Social Security Act,
5 \$29,065,000,000, to remain available until expended: *Pro-*
6 *vided*, That any portion of the funds provided to a State
7 in the current fiscal year and not obligated by the State
8 during that year shall be returned to the Treasury.

9 For making, after June 15 of the current fiscal year,
10 benefit payments to individuals under title XVI of the So-
11 cial Security Act, for unanticipated costs incurred for the
12 current fiscal year, such sums as may be necessary.

13 For making benefit payments under title XVI of the
14 Social Security Act for the first quarter of fiscal year
15 2008, \$16,810,000,000, to remain available until ex-
16 pended.

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 For necessary expenses, including the hire of two pas-
19 senger motor vehicles, and not to exceed \$15,000 for offi-
20 cial reception and representation expenses, not more than
21 \$9,175,000,000 may be expended, as authorized by sec-
22 tion 201(g)(1) of the Social Security Act, from any one
23 or all of the trust funds referred to therein: *Provided*, That
24 not less than \$2,000,000 shall be for the Social Security
25 Advisory Board: *Provided further*, That unobligated bal-

1 ances of funds provided under this paragraph at the end
2 of fiscal year 2007 not needed for fiscal year 2007 shall
3 remain available until expended to invest in the Social Se-
4 curity Administration information technology and tele-
5 communications hardware and software infrastructure, in-
6 cluding related equipment and non-payroll administrative
7 expenses associated solely with this information technology
8 and telecommunications infrastructure: *Provided further*,
9 That reimbursement to the trust funds under this heading
10 for expenditures for official time for employees of the So-
11 cial Security Administration pursuant to section 7131 of
12 title 5, United States Code, and for facilities or support
13 services for labor organizations pursuant to policies, regu-
14 lations, or procedures referred to in section 7135(b) of
15 such title shall be made by the Secretary of the Treasury,
16 with interest, from amounts in the general fund not other-
17 wise appropriated, as soon as possible after such expendi-
18 tures are made.

19 In addition, \$117,000,000 to be derived from admin-
20 istration fees in excess of \$5.00 per supplementary pay-
21 ment collected pursuant to section 1616(d) of the Social
22 Security Act or section 212(b)(3) of Public Law 93–66,
23 which shall remain available until expended. To the extent
24 that the amounts collected pursuant to such sections in
25 fiscal year 2007 exceed \$117,000,000, the amounts shall

1 be available in fiscal year 2008 only to the extent provided
2 in advance in appropriations Acts.

3 In addition, up to \$1,000,000 to be derived from fees
4 collected pursuant to section 303(c) of the Social Security
5 Protection Act (Public Law 108–203), which shall remain
6 available until expended.

7 OFFICE OF INSPECTOR GENERAL

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$26,435,000, together with not to
12 exceed \$67,976,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

16 In addition, an amount not to exceed 3 percent of
17 the total provided in this appropriation may be transferred
18 from the “Limitation on Administrative Expenses”, Social
19 Security Administration, to be merged with this account,
20 to be available for the time and purposes for which this
21 account is available: *Provided*, That notice of such trans-
22 fers shall be transmitted promptly to the Committees on
23 Appropriations of the House of Representatives and the
24 Senate.

1 TITLE V—GENERAL PROVISIONS

2 (TRANSFER OF FUNDS)

3 SEC. 501. The Secretaries of Labor, Health and
4 Human Services, and Education are authorized to transfer
5 unexpended balances of prior appropriations to accounts
6 corresponding to current appropriations provided in this
7 Act: *Provided*, That such transferred balances are used for
8 the same purpose, and for the same periods of time, for
9 which they were originally appropriated.

10 SEC. 502. No part of any appropriation contained in
11 this Act shall remain available for obligation beyond the
12 current fiscal year unless expressly so provided herein.

13 SEC. 503. (a) No part of any appropriation contained
14 in this Act shall be used, other than for normal and recog-
15 nized executive-legislative relationships, for publicity or
16 propaganda purposes, for the preparation, distribution, or
17 use of any kit, pamphlet, booklet, publication, radio, tele-
18 vision, or video presentation designed to support or defeat
19 legislation pending before the Congress or any State legis-
20 lature, except in presentation to the Congress or any State
21 legislature itself.

22 (b) No part of any appropriation contained in this
23 Act shall be used to pay the salary or expenses of any
24 grant or contract recipient, or agent acting for such recipi-
25 ent, related to any activity designed to influence legislation

1 or appropriations pending before the Congress or any
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education
4 are authorized to make available not to exceed \$28,000
5 and \$20,000, respectively, from funds available for sala-
6 ries and expenses under titles I and III, respectively, for
7 official reception and representation expenses; the Direc-
8 tor of the Federal Mediation and Conciliation Service is
9 authorized to make available for official reception and rep-
10 resentation expenses not to exceed \$5,000 from the funds
11 available for “Salaries and expenses, Federal Mediation
12 and Conciliation Service”; and the Chairman of the Na-
13 tional Mediation Board is authorized to make available for
14 official reception and representation expenses not to ex-
15 ceed \$5,000 from funds available for “Salaries and ex-
16 penses, National Mediation Board”.

17 SEC. 505. Notwithstanding any other provision of
18 this Act, no funds appropriated in this Act shall be used
19 to carry out any program of distributing sterile needles
20 or syringes for the hypodermic injection of any illegal
21 drug.

22 SEC. 506. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to
2 State and local governments and recipients of Federal re-
3 search grants, shall clearly state—

4 (1) the percentage of the total costs of the pro-
5 gram or project which will be financed with Federal
6 money;

7 (2) the dollar amount of Federal funds for the
8 project or program; and

9 (3) percentage and dollar amount of the total
10 costs of the project or program that will be financed
11 by non-governmental sources.

12 SEC. 507. (a) None of the funds appropriated in this
13 Act, and none of the funds in any trust fund to which
14 funds are appropriated in this Act, shall be expended for
15 any abortion.

16 (b) None of the funds appropriated in this Act, and
17 none of the funds in any trust fund to which funds are
18 appropriated in this Act, shall be expended for health ben-
19 efits coverage that includes coverage of abortion.

20 (c) The term “health benefits coverage” means the
21 package of services covered by a managed care provider
22 or organization pursuant to a contract or other arrange-
23 ment.

24 SEC. 508. (a) The limitations established in the pre-
25 ceding section shall not apply to an abortion—

1 (1) if the pregnancy is the result of an act of
2 rape or incest; or

3 (2) in the case where a woman suffers from a
4 physical disorder, physical injury, or physical illness,
5 including a life-endangering physical condition
6 caused by or arising from the pregnancy itself, that
7 would, as certified by a physician, place the woman
8 in danger of death unless an abortion is performed.

9 (b) Nothing in the preceding section shall be con-
10 strued as prohibiting the expenditure by a State, locality,
11 entity, or private person of State, local, or private funds
12 (other than a State's or locality's contribution of Medicaid
13 matching funds).

14 (c) Nothing in the preceding section shall be con-
15 strued as restricting the ability of any managed care pro-
16 vider from offering abortion coverage or the ability of a
17 State or locality to contract separately with such a pro-
18 vider for such coverage with State funds (other than a
19 State's or locality's contribution of Medicaid matching
20 funds).

21 (d)(1) None of the funds made available in this Act
22 may be made available to a Federal agency or program,
23 or to a State or local government, if such agency, program,
24 or government subjects any institutional or individual
25 health care entity to discrimination on the basis that the

1 health care entity does not provide, pay for, provide cov-
2 erage of, or refer for abortions.

3 (2) In this subsection, the term “health care entity”
4 includes an individual physician or other health care pro-
5 fessional, a hospital, a provider-sponsored organization, a
6 health maintenance organization, a health insurance plan,
7 or any other kind of health care facility, organization, or
8 plan.

9 SEC. 509. (a) None of the funds made available in
10 this Act may be used for—

11 (1) the creation of a human embryo or embryos
12 for research purposes; or

13 (2) research in which a human embryo or em-
14 bryos are destroyed, discarded, or knowingly sub-
15 jected to risk of injury or death greater than that
16 allowed for research on fetuses in utero under 45
17 CFR 46.204(b) and section 498(b) of the Public
18 Health Service Act (42 U.S.C. 289g(b)).

19 (b) For purposes of this section, the term “human
20 embryo or embryos” includes any organism, not protected
21 as a human subject under 45 CFR 46 as of the date of
22 the enactment of this Act, that is derived by fertilization,
23 parthenogenesis, cloning, or any other means from one or
24 more human gametes or human diploid cells.

1 SEC. 510. (a) None of the funds made available in
2 this Act may be used for any activity that promotes the
3 legalization of any drug or other substance included in
4 schedule I of the schedules of controlled substances estab-
5 lished under section 202 of the Controlled Substances Act
6 (21 U.S.C. 812) except for normal and recognized execu-
7 tive-congressional communications.

8 (b) The limitation in subsection (a) shall not apply
9 when there is significant medical evidence of a therapeutic
10 advantage to the use of such drug or other substance or
11 that federally sponsored clinical trials are being conducted
12 to determine therapeutic advantage.

13 SEC. 511. None of the funds made available in this
14 Act may be used to promulgate or adopt any final stand-
15 ard under section 1173(b) of the Social Security Act (42
16 U.S.C. 1320d–2(b)) providing for, or providing for the as-
17 signment of, a unique health identifier for an individual
18 (except in an individual’s capacity as an employer or a
19 health care provider), until legislation is enacted specifi-
20 cally approving the standard.

21 SEC. 512. None of the funds made available in this
22 Act may be obligated or expended to enter into or renew
23 a contract with an entity if—

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in section 4212(d) of title 38, United States Code,
2 regarding submission of an annual report to the Sec-
3 retary of Labor concerning employment of certain
4 veterans; and

5 (2) such entity has not submitted a report as
6 required by that section for the most recent year for
7 which such requirement was applicable to such enti-
8 ty.

9 SEC. 513. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government, except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in, this Act or any other appropriation Act.

14 SEC. 514. None of the funds made available by this
15 Act to carry out the Library Services and Technology Act
16 may be made available to any library covered by para-
17 graph (1) of section 224(f) of such Act (20 U.S.C.
18 9134(f)), as amended by the Children's Internet Protec-
19 tions Act, unless such library has made the certifications
20 required by paragraph (4) of such section.

21 SEC. 515. None of the funds made available by this
22 Act to carry out part D of title II of the Elementary and
23 Secondary Education Act of 1965 may be made available
24 to any elementary or secondary school covered by para-
25 graph (1) of section 2441(a) of such Act (20 U.S.C.

1 6777(a)), as amended by the Children’s Internet Protec-
2 tions Act and the No Child Left Behind Act, unless the
3 local educational agency with responsibility for such cov-
4 ered school has made the certifications required by para-
5 graph (2) of such section.

6 SEC. 516. None of the funds appropriated in this Act
7 may be used to enter into an arrangement under section
8 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.
9 231f(b)(4)) with a nongovernmental financial institution
10 to serve as disbursing agent for benefits payable under
11 the Railroad Retirement Act of 1974.

12 SEC. 517. (a) None of the funds provided under this
13 Act, or provided under previous appropriations Acts to the
14 agencies funded by this Act that remain available for obli-
15 gation or expenditure in fiscal year 2007, or provided from
16 any accounts in the Treasury of the United States derived
17 by the collection of fees available to the agencies funded
18 by this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds that—

- 20 (1) creates new programs;
- 21 (2) eliminates a program, project, or activity;
- 22 (3) increases funds or personnel by any means
23 for any project or activity for which funds have been
24 denied or restricted;
- 25 (4) relocates an office or employees;

1 (5) reorganizes or renames offices;
2 (6) reorganizes programs or activities; or
3 (7) contracts out or privatizes any functions or
4 activities presently performed by Federal employees;
5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are notified 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier.

10 (b) None of the funds provided under this Act, or
11 provided under previous appropriations Acts to the agen-
12 cies funded by this Act that remain available for obligation
13 or expenditure in fiscal year 2007, or provided from any
14 accounts in the Treasury of the United States derived by
15 the collection of fees available to the agencies funded by
16 this Act, shall be available for obligation or expenditure
17 through a reprogramming of funds in excess of \$500,000
18 or 10 percent, whichever is less, that—

19 (1) augments existing programs, projects (in-
20 cluding construction projects), or activities;

21 (2) reduces by 10 percent funding for any exist-
22 ing program, project, or activity, or numbers of per-
23 sonnel by 10 percent as approved by Congress; or

24 (3) results from any general savings from a re-
25 duction in personnel which would result in a change

1 in existing programs, activities, or projects as ap-
2 proved by Congress;
3 unless the Committees on Appropriations are notified 15
4 days in advance of such reprogramming or of an an-
5 nouncement of intent relating to such reprogramming,
6 whichever occurs earlier.

7 SEC. 518. (a) None of the funds made available in
8 this Act may be used to request that a candidate for ap-
9 pointment to a Federal scientific advisory committee dis-
10 close the political affiliation or voting history of the can-
11 didate or the position that the candidate holds with re-
12 spect to political issues not directly related to and nec-
13 essary for the work of the committee involved.

14 (b) None of the funds made available in this Act may
15 be used to disseminate scientific information that is delib-
16 erately false or misleading.

17 SEC. 519. Each Department and related agency fund-
18 ed through this Act shall submit an operating plan within
19 45 days of enactment which details any reprogramming
20 of funds between object classes or between accounts (to
21 the extent permitted in statute), which will result in a
22 funding allocation that is different than that specified in
23 the Act, the accompanying detailed table, or the 2007
24 Budget Request.

1 SEC. 520. Notwithstanding any other provision in
2 this Act, no funds provided in this Act shall be repro-
3 grammed or transferred from the accounts, object classes
4 or the original purposes for which funds were provided to
5 the government-wide “E-Gov Initiative”, without an ap-
6 proval reprogramming request from the Committees on
7 Appropriations of the House of Representatives and the
8 Senate. Any request to reprogram funds shall include a
9 detailed explanation of which funded activities will be de-
10 layed or terminated and demonstrate the direct benefits
11 to the office or program that will result from the re-
12 programming to the “E-Gov Initiative”. The reprogram-
13 ming request shall also include a certification by the lead
14 career staff person for the office or program that the di-
15 rect benefits to that office or program resulting from the
16 transfer of funds to the E-Gov Initiative exceed the direct
17 benefits that would occur from the use of funds for the
18 purposes originally provided.

19 SEC. 521. No funds in this Act shall be used to de-
20 velop or participate in the development of a Program As-
21 sessment Rating Tool (PART) analysis or study unless the
22 Committee on Appropriations of the House of Representa-
23 tives, in consultation with the Committee on Government
24 Reform of the House of Representatives, and the Com-
25 mittee on Appropriations of the Senate have approved the

1 use of funds, the PART study to be conducted, the data
2 bases which will be used for determining the score, and
3 the methodology to be employed for the rating of the pro-
4 gram, including the relative weights to be applied to the
5 four factors used in establishing numerical and summary
6 ratings.

7 SEC. 522. All departments and related agencies shall,
8 in developing their fiscal year 2008 budget requests, pro-
9 vide congressional justifications in the traditional format
10 in accordance with the guidance provided in the report of
11 the Committee on Appropriations of the House of Rep-
12 resentatives accompanying this Act. No funds in this Act
13 may be used to develop alternative congressional justifica-
14 tions. may be used to develop alternative congressional
15 justifications.

16 SEC. 523. None of the funds made available by this
17 Act shall be used in contravention of the Federal buildings
18 performance and reporting requirements of Executive
19 Order 13123, part 3 of title V of the National Energy
20 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
21 title A of title I of the Energy Policy Act of 2005 (includ-
22 ing the amendments made thereby).

23 SEC. 524. None of the funds appropriated by this Act
24 may be used by the Commissioner of Social Security or
25 the Social Security Administration to develop guidelines,

1 policies, or procedures, or to pay the compensation of em-
2 ployees of the Social Security Administration, to admin-
3 ister Social Security benefit payments, under any agree-
4 ment between the United States and any other country
5 establishing totalization arrangements between the social
6 security system established by title II of the Social Secu-
7 rity Act and the social security system of any other coun-
8 try, which would be inconsistent with existing statutory
9 law.

10 SEC. 525. (a) MINIMUM WAGE.—Section 6(a)(1) of
11 the Fair Labor Standards Act of 1938 (29 U.S.C.
12 206(a)(1)) is amended—

13 (1) by striking “and not less than \$5.15 an
14 hour” and inserting “not less than \$5.15 an hour”;
15 and

16 (2) by inserting before the semicolon at the end
17 the following: “, not less than \$5.85 an hour begin-
18 ning on January 1, 2007, not less than \$6.55 an
19 hour beginning on January 1, 2008, and not less
20 than \$7.25 an hour beginning on January 1, 2009”.

21 (a) APPLICABILITY OF MINIMUM WAGE TO THE COM-
22 MONWEALTH OF THE NORTHERN MARIANA ISLANDS.—
23 (1) Section 6 of the Fair Labor Standards Act of 1938
24 (29 U.S.C. 206) shall apply to the Commonwealth of the
25 Northern Mariana Islands.

1 (2) Notwithstanding paragraph (1), the minimum
2 wage applicable to the Commonwealth of the Northern
3 Mariana Islands under section 6(a)(1) of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 206(a)(1))—

5 (A) shall be \$3.55 an hour, beginning on
6 the 60th day after the date of enactment of this
7 Act; and

8 (B) shall be increased by \$0.50 an hour
9 (or such lesser amount as may be necessary to
10 equal the minimum wage under section 6(a)(1)
11 of the Fair Labor Standards Act of 1938), be-
12 ginning 6 months after the date of enactment
13 of this Act and every 6 months thereafter until
14 the minimum wage applicable to the Common-
15 wealth of the Northern Mariana Islands under
16 this subsection is equal to the minimum wage
17 set forth in such section.

18 This Act may be cited as the “Departments of Labor,
19 Health and Human Services, and Education, and Related
20 Agencies Appropriations Act, 2007”.

Union Calendar No. 289

109TH CONGRESS
2^D Session

H. R. 5647

[Report No. 109-515]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

JUNE 20, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed